

# Arizona Criminal Justice Commission

## Statistical Analysis Center Publication

*Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona*



# ***FY 2013 Fill the Gap Report***

January

# 2014

# ARIZONA CRIMINAL JUSTICE COMMISSION



Chairperson  
DANIEL G. SHARP, Chief  
Oro Valley Police Department

Vice-Chairperson  
BILL MONTGOMERY  
Maricopa County Attorney

JOSEPH ARPAIO  
Maricopa County Sheriff

JOSEPH R. BRUGMAN, Chief  
Coolidge Police Department

DAVID K. BYERS, Director  
Administrative Office of the Courts

TIMOTHY J. DORN, Chief  
Gilbert Police Department

CLARENCE DUPNIK  
Pima County Sheriff

CHRIS GIBBS, Mayor  
City of Safford

ROBERT C. HALLIDAY, Director  
Department of Public Safety

TOM HORNE  
Attorney General

BARBARA LAWALL  
Pima County Attorney

BRIAN LIVINGSTON, Chairperson  
Board of Executive Clemency

WILLIAM PRIBIL  
Coconino County Sheriff

SHEILA POLK  
Yavapai County Attorney

CHARLES RYAN, Director  
Department of Corrections

DAVID SANDERS  
Pima County Chief Probation Officer

STEVEN SHELDON  
Former Judge

MARK SPENCER  
Law Enforcement Leader

VACANT  
County Supervisor

---

JOHN A. BLACKBURN, JR.  
Executive Director

MATTHEW BILESKEI, M.A.  
Statistical Analysis Center  
Research Analyst

PHILLIP STEVENSON, Ph.D.  
Statistical Analysis Center  
Director

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>3</b>
<b>RESEARCH METHODS.....</b>	<b>3</b>
<b>FILL THE GAP FUNDS LEGISLATION.....</b>	<b>5</b>
<b>ARIZONA CASE TIMELINES.....</b>	<b>7</b>
<b>REPORT LAYOUT .....</b>	<b>7</b>
<b>APACHE COUNTY .....</b>	<b>9</b>
<b>COCHISE COUNTY .....</b>	<b>13</b>
<b>COCONINO COUNTY.....</b>	<b>18</b>
<b>GILA COUNTY .....</b>	<b>22</b>
<b>GRAHAM COUNTY.....</b>	<b>26</b>
<b>GREENLEE COUNTY .....</b>	<b>30</b>
<b>LA PAZ COUNTY.....</b>	<b>34</b>
<b>MARICOPA COUNTY .....</b>	<b>38</b>
<b>MOHAVE COUNTY .....</b>	<b>42</b>
<b>NAVAJO COUNTY.....</b>	<b>46</b>
<b>PIMA COUNTY .....</b>	<b>50</b>
<b>PINAL COUNTY.....</b>	<b>54</b>
<b>SANTA CRUZ COUNTY .....</b>	<b>58</b>
<b>YAVAPAI COUNTY .....</b>	<b>62</b>
<b>YUMA COUNTY.....</b>	<b>66</b>
<b>CONCLUSION AND RECOMMENDATIONS.....</b>	<b>70</b>
<b>APPENDIX A: Arizona Fill the Gap Balances, Revenues and Expenditures .....</b>	<b>72</b>
<b>APPENDIX B: Summary of the Use of Fill the Gap Funds in FY2013 .....</b>	<b>74</b>
<b>APPENDIX C: Reported Events Positively and Negatively Affecting Case Processing.....</b>	<b>75</b>
<b>APPENDIX D: Arizona Revised Statutes and Arizona Supreme Court Rules.....</b>	<b>78</b>

## **EXECUTIVE SUMMARY**

In 1999, the passage of Senate Bill 1013 assigned the Arizona Criminal Justice Commission (ACJC) the responsibility of distributing State Fill the Gap (FTG) funds to the county attorneys and indigent defense agencies across the state. The formula for distributing FTG funds to each county is based on the average number of cases filed in superior court over a three-year period and the population of each county. Along with the Commission's fiduciary responsibilities, A.R.S. §41-2409 requires ACJC to report annually on each agency's use of FTG funds and their progress toward improving criminal case processing.

In the 1990s, Arizona's growing population, in combination with increased funding for law enforcement, resulted in a larger volume of cases processed through the courts. To keep pace with the increase in cases, Fill the Gap legislation was introduced to fund prosecuting attorneys, the indigent defense attorneys, and the courts with general fund appropriations and fine revenues. The purpose of these funds is to reduce case processing times in each county and statewide.

The Supreme Court of Arizona has outlined case processing standards for Arizona's courts. Supreme Court Rule 8.2 requires that cases (excluding capital cases and complex cases) are to be adjudicated within 180 days of arraignment. Complex cases filed after December 1, 2005 are given 270 days from arraignment to adjudication and capital cases are given 730 days, or 24 months, from filing of the notice of intent to seek the death penalty through adjudication. According to Rule 8.5, a trial may be continued beyond the Rule 8.2 standard timeframe based on exceptional circumstances for either party. Also, in Rule 8.1 and Rule 8.4, there are a number of time exclusions to the case process that essentially "stop the clock." The exclusions include cases requiring lengthy trial preparations, determining a defendant's mental competency, absence or incompetence of the defendant, probable cause remanding, disclosure time extensions, trial calendar delays, certain joinder of trials, setting a transfer hearing, and the inability to take the accused into custody (see Appendix D).

Due to the elimination of general fund appropriations for the Rural Aid to County Attorneys and Indigent Defense programs in FY2010, FTG funds distributed by the ACJC have been reduced to fine revenues collected during the year. In addition, the Legislature did not appropriate funds from the State Aid to Indigent Defense fund in FY2013. Fines and interest collected during FY2013 were left unexpended in the fund for the year. However, during the 2013 legislative session, Arizona House Bill 2005 (Fifty-First Legislature, First Special Session, Chapter 5) redirected \$500,000 from the State Aid to Indigent Defense fund to the Arizona Attorney General for its Capital Post-Conviction Prosecution Program for FY2014. As a result of legislative changes to the FTG program, county attorneys are the only agencies to receive State FTG funds in FY2013 totaling \$973,600. Funding levels in FY2013 for county attorneys remained unchanged from FY2012 levels. Since FTG funding allocations can be carried over for use in future fiscal years, indigent defense agencies may have had funds available in FY2013 for FTG expenditures, which are reported in Table 81 of Appendix A.

To meet the reporting requirements of A.R.S. §41-2409, at the beginning of FY2013, the ACJC requested Fill the Gap balance, allocation, and expenditure information, in addition to case processing data from county attorneys and indigent defense agencies. Of the \$1,191,369.52 in expenditures reported, \$1,123,685.83 was spent on salaries, fringe, and overtime, \$19,218.05 was allotted for equipment, \$8,154.46 was used for contractual services, \$3,008.16 was spent

on case management software, \$241.40 went toward travel expenses, and \$37,061.62 funded "other" (i.e. operating, supplies, etc.) expenditures.

At the end of FY2013, none of the prosecuting and indigent defense agencies reported case processing data that met the standards set forth by the Arizona Supreme Court Rule of Criminal Procedure 8.2. The Greenlee County Superior Court reported the highest completion percentage with 99.0 percent of felony cases (excludes out-of-county judge, warrant status, and other pending cases) adjudicated within 180 days of filing. A total of ten agencies did report improved 180-day case processing statistics for FY2013 compared to FY2012. Unfortunately, a small number of agencies remain unable to report case processing statistics because these agencies lack a case management system that provides for easy case tracking over time.

The report concludes with a number of ACJC recommendations specifically focusing on improvements in case processing and the recording of progress made toward meeting the case processing standards. The ACJC recommendations are based on the agency's experiences in the administration of State Fill the Gap funds and reoccurring themes observed during previous funding cycles. Recommendations include the establishment of expenditure guidelines, the restoration of funding for all Fill the Gap-funded agencies, the creation of agency-specific strategic plans, the institution of case management systems that assist all agencies in the collection of standard case processing statistics, and the highlighting of agency and county best practices that have realized improvements in case processing and have displayed strong coordination efforts with other agencies within the county.

## **INTRODUCTION**

In 1999, Arizona Senate Bill 1013 (Forty-Fourth Legislature, First Regular Session, Laws 1999, Chapter 346), which came to be known as Fill the Gap (FTG) legislation, was passed into law. Senate Bill 1013 created three separate funds to be used by three stakeholders in the case disposition process to improve criminal case processing: county attorneys, public/indigent defense, and the courts. These three entities have received FTG funds from legislative appropriations and from fines, fees, penalties, and surcharges collected from offenders by the Supreme Court, the Court of Appeals, and county and local courts. The monies are dispersed according to a formula based on each county's population and a three-year average of each county's superior court criminal case filings. Per A.R.S. §41-2409, the Arizona Criminal Justice Commission (ACJC) is responsible for administering the funds for the county attorneys and indigent defense agencies and reports annually on how those funds are used to improve criminal case processing. The Administrative Office of the Courts is similarly required to administer and report on the funds distributed to the courts, in accordance with A.R.S. §12-102.02.

Fill the Gap legislation was created to address the increasing number of cases processed in the court system caused by the rising Arizona population and an increase in law enforcement resources in the 1990s. More recently, even though Arizona's population increased 20.1 percent from July 1, 2002 to July 1, 2012, the number of Superior Court felony case filings statewide in FY2012 (50,456) was essentially equivalent to the number of cases filed in FY2003 (50,884)(Arizona Department of Economic Security and Arizona Department of Administration's Office of Employment & Population Statistics; Arizona Supreme Court's *Data Report*, 2003 and 2012). It has been anticipated that with FTG funding, criminal courts in each county would be able to meet the case processing standards that the Arizona Supreme Court established in the Rules of Criminal Procedure and reduce the "gap" created by population growth and increased funding to other components of the criminal justice system.

As required by A.R.S. §41-2409, this report addresses ACJC's statutory mandate to report on the State FTG funds distributed by ACJC. This report provides an explanation of the FTG program including statutory authority, the appropriation formulas, and designated responsible parties. The report also presents funding balances, allocations, and expenditures by organization, case processing data and information, and suggestions on how to improve the Fill the Gap program.

## **RESEARCH METHODS**

The Arizona Criminal Justice Commission's Statistical Analysis Center (SAC) developed an annual reporting form and financial report that were distributed to Fill the Gap-funded agencies. Agencies were asked to complete the documents and return them to ACJC. The reporting form captured FTG expenditures in FY2013, criminal case processing improvements resulting from the funding, case processing statistics, and comments on related issues that were encountered throughout the fiscal year. The financial report collected information on FTG allocations and expenditures. Data from the annual reporting documents were compiled and analyzed by county to identify common spending priorities, available funding balances, improvements in data gathering and reporting practices, and case processing highlights and challenges that face the agencies.

Agencies vary in the types of cases that they are able to include and exclude in the statistics because of the different case management systems used by the agencies. As a result, open-ended questions were included in the reporting form to understand what types of cases each agency includes in the case processing data in addition to their definitions for "filing" and "adjudication." This provides ACJC with a more complete understanding of the types of cases included by local agencies in their case processing statistics.

*Arizona Computerized Criminal History (ACCH)*

Each agency was asked to provide case processing data in their annual reporting form. Information provided by these agencies allows for a better understanding of case processing at the agency level. Nonetheless, data provided by the agencies are not comparable with each other, and in some cases, the data provided by an agency is not comparable from year-to-year because of differences in the collection and reporting process. For this reason, SAC staff estimated and analyzed county case processing times using the information available in the Arizona Computerized Criminal History (ACCH) record system.

The date that a felony charge is filed by the county attorney is not included in the ACCH database, so the date of arrest was used as a proxy for the arraignment date. The date of case disposition finalization was used as the adjudication date. While these alternate dates will result in a lower percentage of charges adjudicated within the 180-day window, it does provide the ability to report comparable case processing data for all counties and fiscal years using a uniform data source and methodology.

Only felony cases with both arrest and disposition information entered into ACCH were included in this analysis. Previous research conducted by the SAC revealed that 28.0 percent of calendar year 2011 arrest charges entered into the ACCH by December 31, 2012 were missing subsequent disposition information in the ACCH by the end of calendar year 2012.<sup>1</sup> The case processing data in this report includes all arrest counts leading to felony dispositions (except for first-degree murder). In this report, the case processing data includes guilty verdicts, nolo contendere pleas, pleas to other charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity. A number of guilty findings were later updated in appellate courts and excluded from analysis since the disposition completion dates were overwritten by the appellate court findings.

To prevent a small number of cases from skewing the data, a standard process for aggregating data across multiple years was used to assess case processing times. All cases included in the FY2008 case processing statistics consisted of arrest charges from calendar years 2000 to 2007 that were finalized by disposition completion in FY2008. All cases included in the FY2009 analysis included arrest charges from calendar years 2001 to 2008 that were finalized in FY2009. The same approach was conducted for FY2010 to FY2013 data.

Cases that resulted in diversion were included in the analysis because ACCH data does not distinguish diverted cases from those that are not diverted. Increasing the number of diversion cases is considered a valid use of Fill the Gap funds. However, including these cases may skew the data toward longer case processing times for counties that divert a large percentage of

---

<sup>1</sup> Bileski, Matt. *Completeness of Criminal History Records in Arizona, CY 2002-2011 Data Brief*, Arizona Criminal Justice Commission, <http://www.azcjc.gov/ACJC.Web/Pubs/Home/Completeness%20of%20Criminal%20History%20Records%20in%20Arizona,%20CY2002-2011.pdf> (March 2013).

felony cases. This is because for many jurisdictions the date of case dismissal after successful completion of a diversion program is often the final disposition date rather than the date that a defendant enters the diversion court process. For many jurisdictions, diversion programs are designed to take longer than the 180-day period in order to monitor compliance with the conditions associated with participation in the program.

Also important to note is that the ACCH analysis includes any and all time delays, including warrant status, court delays, trial continuances, etc., that by Arizona Supreme Court rules should be excluded from case processing time measures. The inclusion of these delays must be acknowledged as another caveat to the case processing statistics compiled using the data in the ACCH repository.

While there are limitations to using ACCH data to analyze case processing times, this process provides a uniform measurement tool for each county. Thus, the ACCH tables should be used to gauge overall changes in case processing times in each county and across fiscal years.

### **FILL THE GAP FUNDS LEGISLATION**

The Arizona Legislature created the State Aid to County Attorneys Fund (A.R.S. §11-539), the State Aid to Indigent Defense Fund (A.R.S. §11-588), and the State Aid to the Courts Fund (A.R.S. §12-102.02) in 1999 to provide funding for prosecutors, indigent defense, and courts to bring case processing times in line with standards set by the Arizona Supreme Court. ACJC is charged with administering the State Aid to County Attorneys Fund and the State Aid to Indigent Defense Fund while the Arizona Supreme Court administers the State Aid to the Courts Fund. Six statutes govern the collection, administration, and reporting of State FTG funds (formally named the State Aid to County Attorneys Fund, State Aid to Indigent Defense Fund, and State Aid to the Courts Fund). The three statutes that establish each fund mandate that the funds be used for improving the processing of criminal cases and to supplement, rather than supplant, county funds. The statutes are shown in their entirety in Appendix D.

The formula for the ACJC FTG funding is described in A.R.S. §41-2421 and A.R.S. §12-116.01. According to A.R.S. §41-2421, five percent of certain "filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures" collected by the state supreme court and appellate court is allocated to the FTG funds according to the following formula:

- 21.61 percent to the State Aid to County Attorneys Fund;
- 20.53 percent to the State Aid to Indigent Defense Fund;
- 57.37 percent to the State Aid to the Courts Fund; and
- 0.49 percent to the Department of Law for the processing of criminal cases.

As described in A.R.S. §12-116.01.B, a seven percent surcharge is collected on all criminal fines, penalties and forfeitures, on traffic and vehicular penalties, fines and forfeitures, and on game and fish Title 17 statute violations. Funds from the seven percent surcharge are distributed as follows:

- 15.44 percent to the State Aid to County Attorneys Fund;
- 14.66 percent to the State Aid to Indigent Defense Fund;
- 40.97 percent to the State Aid to the Courts Fund;
- 0.35 percent to the Department of Law for the processing of criminal cases;

- 14.29 percent to the Arizona Criminal Justice Commission for distribution to full service forensic crime laboratories; and
- 14.29 percent to the Arizona Supreme Court for allocation to the municipal courts.

ACJC administers the portion of the funds allocated to the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund and the Arizona Supreme Court administers the portion of the funds allocated to the State Aid to the Courts Fund. This report provides data and information regarding the funds administered exclusively by ACJC at the state level. Of the funds that ACJC administered in FY2013, 100 percent (\$973,600.00) was allocated to the State Aid to County Attorneys Fund while no funds were allocated to the State Aid to Indigent Defense Fund.

The funds are distributed by ACJC according to formulas set out in A.R.S. §41-2409 (Figure 1). Earned interest is deposited into the accounts and is added to available funds to support projects focused on improving felony case processing. ACJC must distribute the funds to county attorneys and indigent defense by September 1<sup>st</sup> of each year. Funds are distributed to these entities according to the following formula as described in A.R.S. §41-2409:

1. Obtain the three-year average of the total felony filings in the county superior courts divided by the statewide three-year average of the total felony filings in the superior courts.
2. Divide the county population, as adopted by the Arizona Department of Economic Security, by the statewide population adopted by the Arizona Department of Economic Security.
3. The sum of the two figures computed in Steps 1 and 2 divided by two is the composite index and is used as the multiplier against the total monies distributed to the fund.

<b>Figure 1: ACJC State Fill the Gap Fund Formula FY2013</b>	
<b>Step 1:</b>	<p><i>County's Felony Filings in Superior Court:</i>                      Total Year 1 + Total Year 2 + Total Year 3 = 3 Year County Total                      3 Year County Total ÷ 3 = 3 Year Average County Felony Filings</p> <p><i>Statewide Felony Filings in All Superior Courts:</i>                      Total Year 1 + Total Year 2 + Total Year 3 = 3 Year Statewide Total                      3 Year Statewide Total ÷ 3 = 3 Year Average Statewide Felony Filings</p> <p>3 Year Average County Felony Filings ÷ 3 Year Average Statewide Felony Filings = <b>Step 1 Result</b></p>
<b>Step 2:</b>	<p>County Population ÷ Statewide Population = <b>Step 2 Result</b></p>
<b>Step 3:</b>	<p><b>( Step 1 Result + Step 2 Result ) ÷ 2 = Composite Index <sup>a</sup></b></p>

<sup>a</sup> Composite Index used as a county multiplier across Fill the Gap funds to determine county fund distribution.

In FY2013, county attorney agencies experienced no change in fund allocation totals from FY2012 totals. No significant changes were realized in the counties' composite indices of the

FTG funding formula from FY2012 to FY2013. As noted earlier, indigent defense agencies did not receive any FTG funds in FY2013.

## **ARIZONA CASE TIMELINES**

Case processing standards are established by the Arizona Supreme Court. Arizona Supreme Court Rules of Criminal Procedure sets the time limitations for trial cases. According to the A.R.S. Rules of Criminal Procedure Rule 8.2, the following case completion timelines are currently the standards:

- 1) A maximum of 150 days from arraignment if the person is held in custody, with the exception of complex cases.
- 2) A maximum of 180 days from arraignment if the person is released from custody, except for complex cases.
- 3) A maximum of one year from arraignment for complex cases in which the indictment, information, or complaint is filed between December 1, 2002 and December 1, 2005. Complex cases filed after December 1, 2005 are given a maximum of 270 days from arraignment if the person is charged with any of the following:
  - i) 1st degree murder, excluding capital cases;
  - ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication;
  - iii) Any complex cases as determined by a written factual finding by the court.
- 4) A maximum of 24 months from the date the state files a notice of intent to seek the death penalty for capital cases.

Exceptions to these time limitations include the following: cases with continuances due to extraordinary circumstances; and delays resulting from the defendant's absence or efforts to determine mental competency, disclosure extensions, busy court calendars, trial joinders, and Rule 40 transfer hearings. Many agencies exclude all first degree homicide and complex cases from their case processing statistics submitted for this report. These cases are allowed between 270 and 730 days for case adjudication, thus the cases are not required to fall within the 180 day measurement.

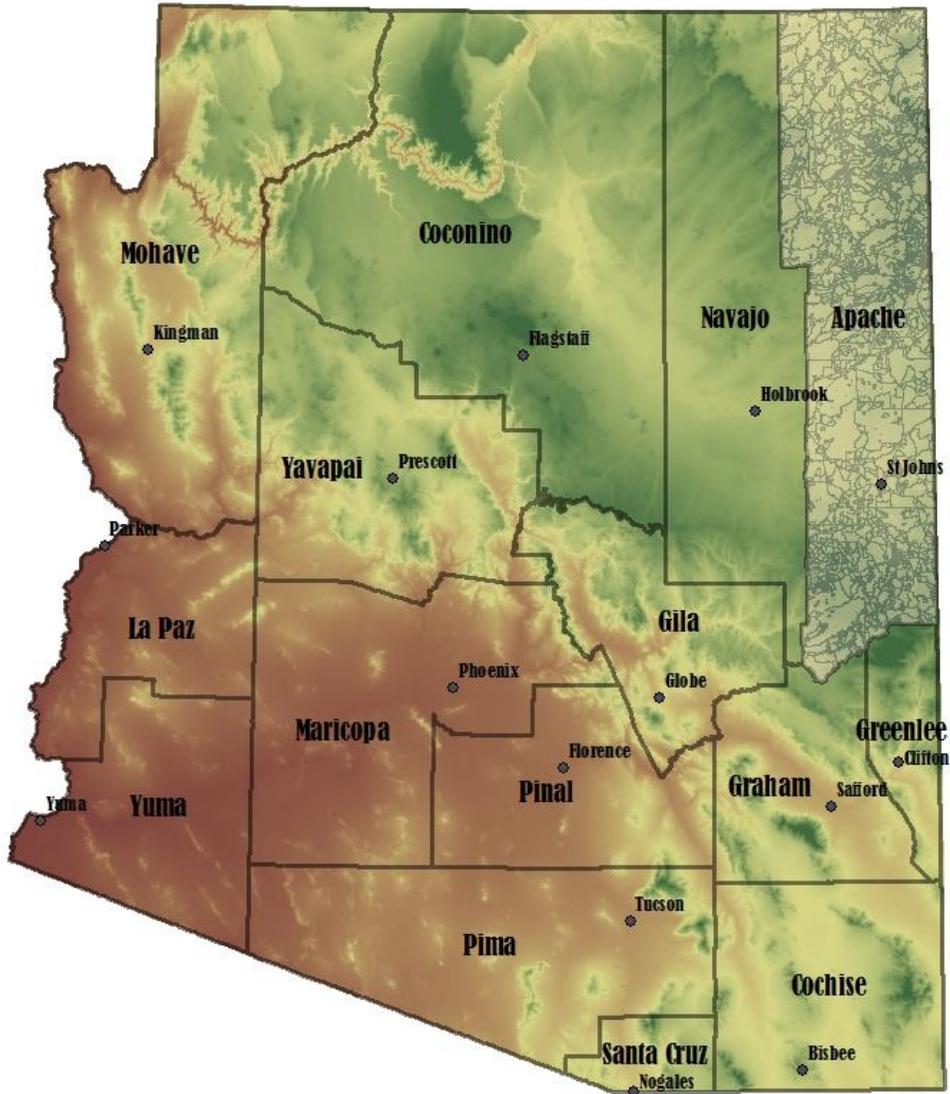
## **REPORT LAYOUT**

This report is organized by Arizona counties and the funded agencies. Each county section of this report begins with a brief summary of the county including county population totals provided by the Arizona Department of Administration (ADOA), followed by a financial breakdown of FTG balances, allocations and expenditures, summaries of how the county attorneys and indigent defense agencies used existing funds to improve case processing times, the agency-specific case processing statistics reported, and criminal history record system case processing statistics. In counties that do not have a dedicated public and/or legal defender, the superior courts within these counties administer indigent defense services.

Each agency section contains a report on Fill the Gap activities and a table for case processing statistics. Because of varying reporting methods and case tracking limitations, data reported by the county attorneys and indigent defense agencies are not comparable across jurisdictions and may not always be comparable within jurisdictions across fiscal years. Following the project summaries for the individual agencies is a table with statistics generated using data from the ACCH repository.

Additional FY2013 data and information on ACJC's administration of State FTG funds can be found in the report's appendices. Appendix A provides a breakdown of fund balances, allocations, and expenditures by county attorney offices and indigent defense agencies. Appendix B provides a summary list of FTG expenditures reported by all agencies during FY2013. Appendix C contains a list of the reported issues that positively or negatively affected case processing in FY2013. Appendix D includes the Arizona Revised Statutes relevant to the Fill the Gap Program.

# Apache County



<b>2012 ADOA Population Estimate:</b>	72,310
<b>Estimated Population Growth 2003-2012:</b>	4.5%
<b>Percent of Arizona Population:</b>	1.1%
<b>County Seat:</b>	St. Johns

### State Fill the Gap Funding in Apache County

In FY2013, the Apache County Attorney’s Office received a total of \$7,596.00 in State FTG funds. The Apache County Superior Court did not receive FTG funds in FY2013 for indigent defense services. Fill the Gap funding for the County Attorney’s Office was level from FY2012 to FY2013.

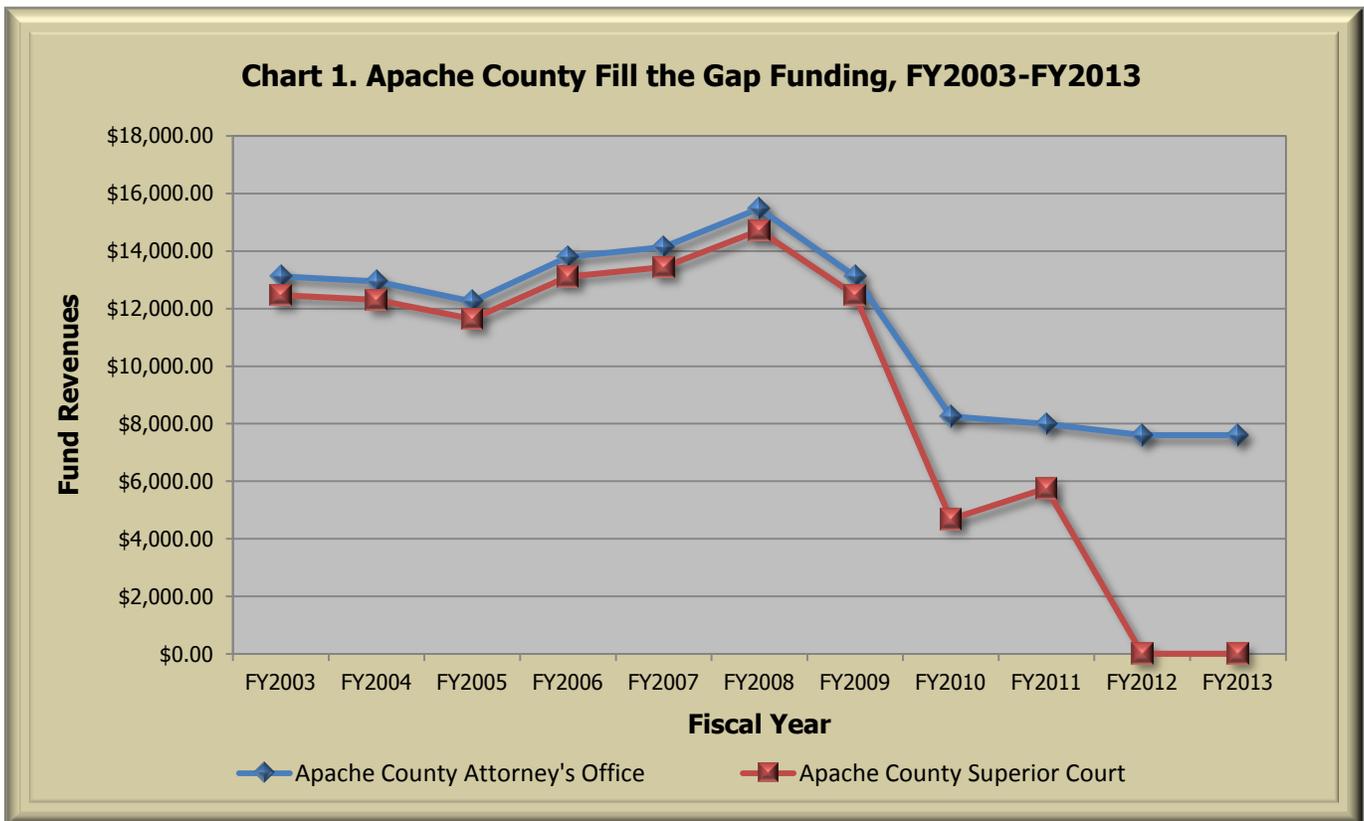
**Table 1. Apache County Fill the Gap State Allocations  
FY2012 – FY2013**

	FY2012	FY2013	Difference
Apache County Attorney’s Office	\$7,596	\$7,596	0.0%
Apache County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

**Table 2. Apache County Balances and Expenditures of Fill the Gap State Funds  
FY2013**

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Apache County Attorney’s Office	\$4,556.19	\$7,596.00	\$30.67	(\$12,182.86)	\$0.00
Apache County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



## Apache County Attorney's Office

During FY2013, the Apache County Attorney's Office used FTG funds to employ a legal secretary intern. The secretary assisted the Office with standardizing data entry into the case management system and improving the process for capturing data.

According to data provided by the Apache County Attorney's Office, the reported percentage of felony case filings adjudicated within 180 days increased from 52.0 percent in FY2012 to 59.0 percent in FY2013 (Table 3). A total of 356 felony cases were filed during FY2013, which was a decrease of 19.1 percent from FY2012. The agency continued its efforts to close out backlogged cases by adjudicating 25 cases more than one year old.

**Table 3. Apache County Attorney's Office Felony Case Processing Statistics  
FY2008-FY2013**

**Cases Included in FY2013 Statistics:** All Adult Felony Cases Except Appeals, Probation Revocations, and Time on Warrant Status

	FY2008 <sup>a</sup>	FY2009 <sup>b</sup>	FY2010	FY2011	FY2012	FY2013
Percent of Felony Cases Adjudicated within 100 Days of Filing	30.0%	38.0%	42.0%	39.0%	23.0%	30.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	58.0%	67.0%	65.0%	68.0%	52.0%	59.0%
Total Felony Cases Filed	614	253	245	315	440	356

<sup>a</sup> FY2008 cases include warrant status, probation revocation, and appeals cases.

<sup>b</sup> FY2009 cases include probation revocation and appeals cases.

## Apache County Indigent Defense

The Apache County Superior Court did not receive FY2013 Fill the Gap funds, and the court carried over a zero balance from FY2012. According to the Court, local funding has also been reduced in FY2013, resulting in pay reductions for contracted indigent defense attorneys.

**Table 4. Apache County Superior Court Felony Case Processing Statistics  
FY2008-FY2013**

**Cases Included in FY2013 Statistics:** Felony Cases Filed in FY2013 Except for Warrant Status Cases, Cases Involving Appeals, Diversion Cases, Probation Violation Cases, and Cases of Mental Competency

	FY2008 <sup>a</sup>	FY2009 <sup>a</sup>	FY2010	FY2011	FY2012	FY2013
Percent of Felony Cases Adjudicated within 100 Days of Filing	28.3%	24.8%	No Data Provided	No Data Provided	37.2%	33.3%
Percent of Felony Cases Adjudicated within 180 Days of Filing	64.3%	51.6%	No Data Provided	No Data Provided	67.6%	60.7%
Total Felony Cases Filed	357	213	No Data Provided	220	299	271

<sup>a</sup> Probation violation cases were reportedly included in the FY2008 thru FY2009 data.

In FY2013, Apache County Superior Court reported that 33.3 percent of felony cases were adjudicated within 100 days of filing and 60.7 percent were adjudicated within 180 days (Table 4). This is a decrease from the adjudication percentages reported in FY2012. The felony case

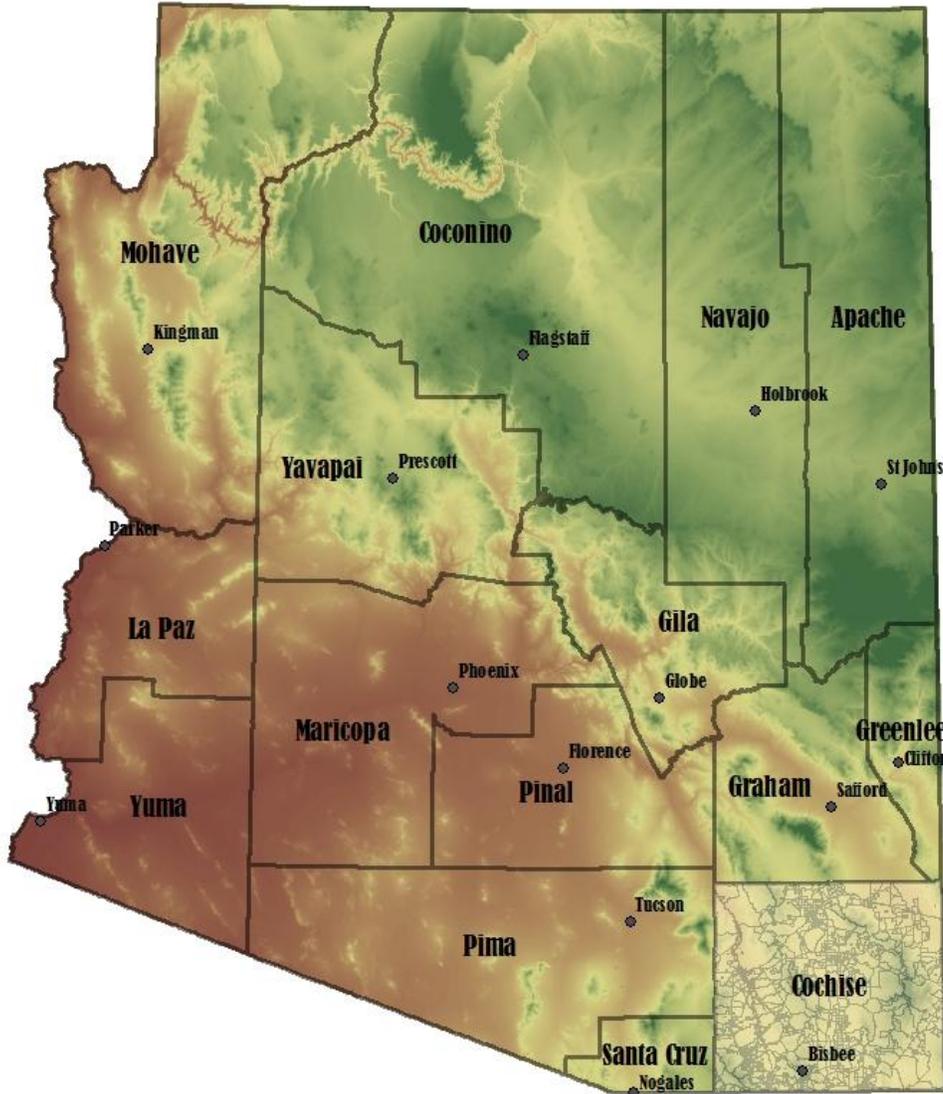
filing total reported by the Court increased from 220 in FY2011 to 299 in FY2012 before falling 9.4 percent to 271 in FY2013.

### Case Processing Statistics for Apache County

According to data compiled from the Arizona Computerized Criminal History (ACCH), there was significant variation from FY2008 to FY2013 in the percentage of felony charges adjudicated within 180 days (Table 5). The percentage ranged from a low of 25.6 percent in FY2009 to a high of 48.0 percent in FY2011. In FY2013, 40.2 percent of felony charges were adjudicated within 180 days. The total number of arrest charges resulting in felony adjudication also fluctuated during the same time.

<b>Table 5. Apache County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	209	274	227	186	212	202
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	11.9%	9.0%	9.9%	26.8%	12.8%	18.4%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	40.1%	25.6%	30.0%	48.0%	39.3%	40.2%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	700	677	1,110	538	611	629

# Cochise County



<b>2012 ADOA Population Estimate:</b>	130,752
<b>Estimated Population Growth 2003-2012:</b>	7.3%
<b>Percent of Arizona Population:</b>	2.0%
<b>County Seat:</b>	Bisbee

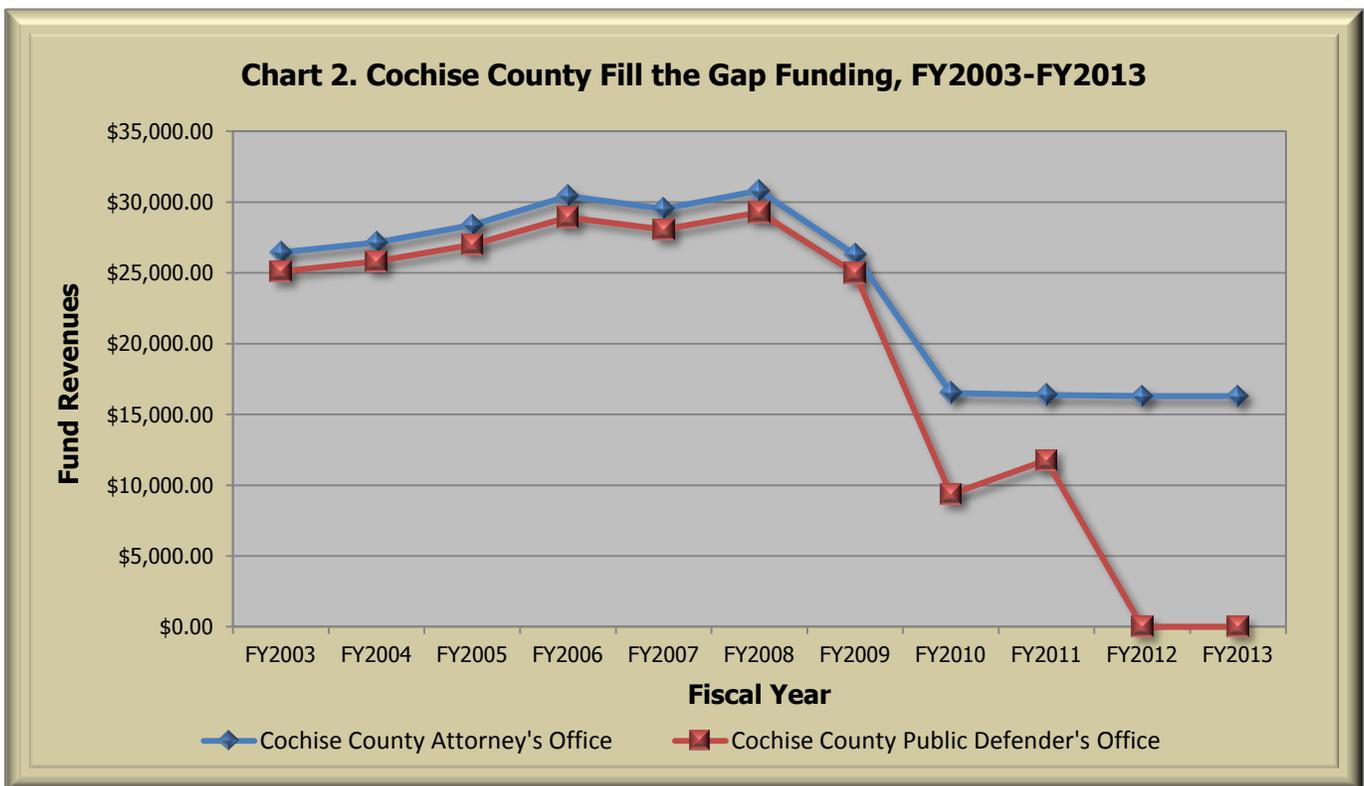
### State Fill the Gap Funding in Cochise County

In FY2013, the Cochise County Attorney's Office received a total of \$16,294.00 in State FTG funds. The Cochise County Public Defender's Office did not receive FTG funds in FY2013. Fill the Gap funding for the County Attorney's Office remained the same from FY2012 to FY2013.

	FY2012	FY2013	Difference
Cochise County Attorney's Office	\$16,294	\$16,294	0.0%
Cochise County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Cochise County Attorney's Office	\$0.00	\$16,294.00	\$209.01	(\$16,503.01)	\$0.00
Cochise County Public Defender's Office	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



### Cochise County Attorney's Office

In FY2013, Fill the Gap funds were used by the Cochise County Attorney's Office to partially support staff salaries. According to the County Attorney's Office, at least one position would be lost without the availability of FTG funds and a reduction in staff would place a further burden on the agency. The agency is also assisting in improving case processing by taking part in the early resolution court.

The Cochise County Attorney's Office reported that 68.0 percent of felony cases were adjudicated within 180 days of filing during FY2013, a decrease from 78.0 percent reported in FY2011 and 71.0 percent in FY2012 (Table 8). The percentage of felony cases adjudicated within 100 days of filing stayed the same at 54.0 percent in FY2012 and FY2013. The County Attorney's Office also reported a 25.6 percent decrease in felony cases filed from 781 in FY2012 to 581 in FY2013.

<b>Table 8. Cochise County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Indicted or Direct Information Felony Cases Filed Which Closed in FY2013 Except Warrant and Adult Diversion Cases</i>						
	<b>FY2008</b>	<b>FY2009<sup>a</sup></b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	22.0%	21.0%	48.0%	64.0%	54.0%	54.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	57.0%	72.0%	76.0%	78.0%	71.0%	68.0%
Total Felony Cases Filed	704	758	827	859	781	581

<sup>a</sup> Adult diversion cases were reportedly included in the FY2009 statistics.

### Cochise County Indigent Defense

The Cochise County Public Defender's Office did not receive FY2013 FTG funds and had no funds to carry forward into FY2013. Despite the lack of funding, the agency did continue their participation in the county's early resolution court.

<b>Table 9. Cochise County Public Defender's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Superior Court Felony Cases Concluded in FY2013 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, Some Jury Trials, and Failed Diversion Cases</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009<sup>b</sup></b>	<b>FY2010<sup>b</sup></b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	65.0%	33.0%	58.0%	76.0%	70.0%	74.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	91.0%	87.0%	89.0%	91.0%	91.0%	91.0%
Total Felony Cases Filed	238	362	395	404	385	233

<sup>a</sup> All jury trials, failed diversion cases, and bench warrants were reportedly included in FY2008 statistics.

<sup>b</sup> Failed diversion cases were included in FY2009 and FY2010 statistics.

The Cochise County Public Defender’s Office reported that 91.0 percent of all felony cases from FY2013 were adjudicated within 180 days of arraignment, matching percentages from FY2011 and FY2012 (Table 9). The Cochise County Legal Defender’s Department reported that 92.0 percent of felony cases were adjudicated within 180 days of filing, an increase from 88.0 percent in FY2012 (Table 10). The Public Defender’s Office and the Legal Defender’s Department reported 233 and 200 felony case filings, respectively, in FY2013. Both the legal and public defender offices received State FTG funds in prior years, so each office continues to provide statistics on felony case processing. The Legal Defender’s Office is typically assigned to cases that the Public Defender does not accept due to conflicts of interest or excessive workload.

**Table 10. Cochise County Legal Defender’s Department Felony Case Processing Statistics FY2008-FY2013**

**Cases Included in FY2013 Statistics:** Superior Court Felony Cases Concluded in FY2013 Except Bench Warrants, Appeals, Significant Conflict Withdrawals, Probation Revocations, Some Jury Trials, and Failed Diversion Cases

	<b>FY2008<sup>a</sup></b>	<b>FY2009<sup>b</sup></b>	<b>FY2010<sup>b</sup></b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	41.0%	20.0%	58.0%	69.0%	60.0%	62.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	72.0%	71.0%	89.0%	90.0%	88.0%	92.0%
Total Felony Cases Filed	124	123	223	245	254	200

<sup>a</sup> All jury trials, failed diversion cases, and bench warrants were reportedly included in FY2008 statistics.

<sup>b</sup> Failed diversion cases were included in FY2009 and FY2010 statistics.

### Case Processing Statistics for Cochise County

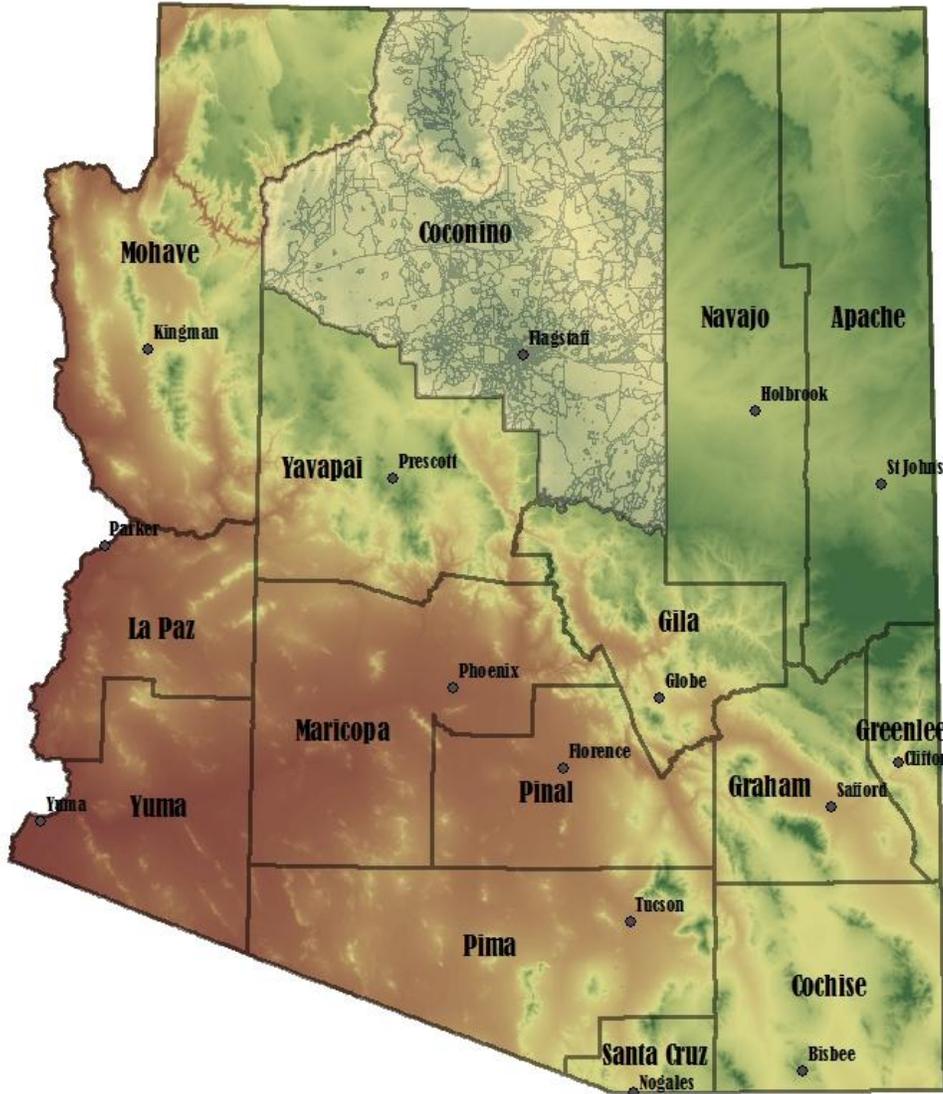
Data from the ACCH shows that the percentage of felony cases adjudicated within 180 days decreased from 71.2 percent in FY2008 to 35.5 percent in FY2013 (Table 11). In contrast, the total number of arrest charges resulting in felony case adjudication during the fiscal year more than doubled over the six years from 791 in FY2008 to 1,807 in FY2013.

**Table 11. Cochise County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	118	179	186	174	224	257
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	42.1%	11.8%	13.3%	30.8%	19.8%	18.8%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	71.2%	51.8%	48.7%	52.1%	35.6%	35.5%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	791	815	1,229	1,842	2,281	1,807

# Coconino County



<b>2012 ADOA Population Estimate:</b>	134,313
<b>Estimated Population Growth 2003-2012:</b>	5.9%
<b>Percent of Arizona Population:</b>	2.1%
<b>County Seat:</b>	Flagstaff

### State Fill the Gap Funding in Coconino County

In FY2013, the Coconino County Attorney’s Office received a total of \$18,562.00 in State FTG funds. The Coconino County Superior Court did not receive FTG funds in FY2013 to support indigent defense services. The amount of FTG funding for the County Attorney’s Office did not change from FY2012 to FY2013.

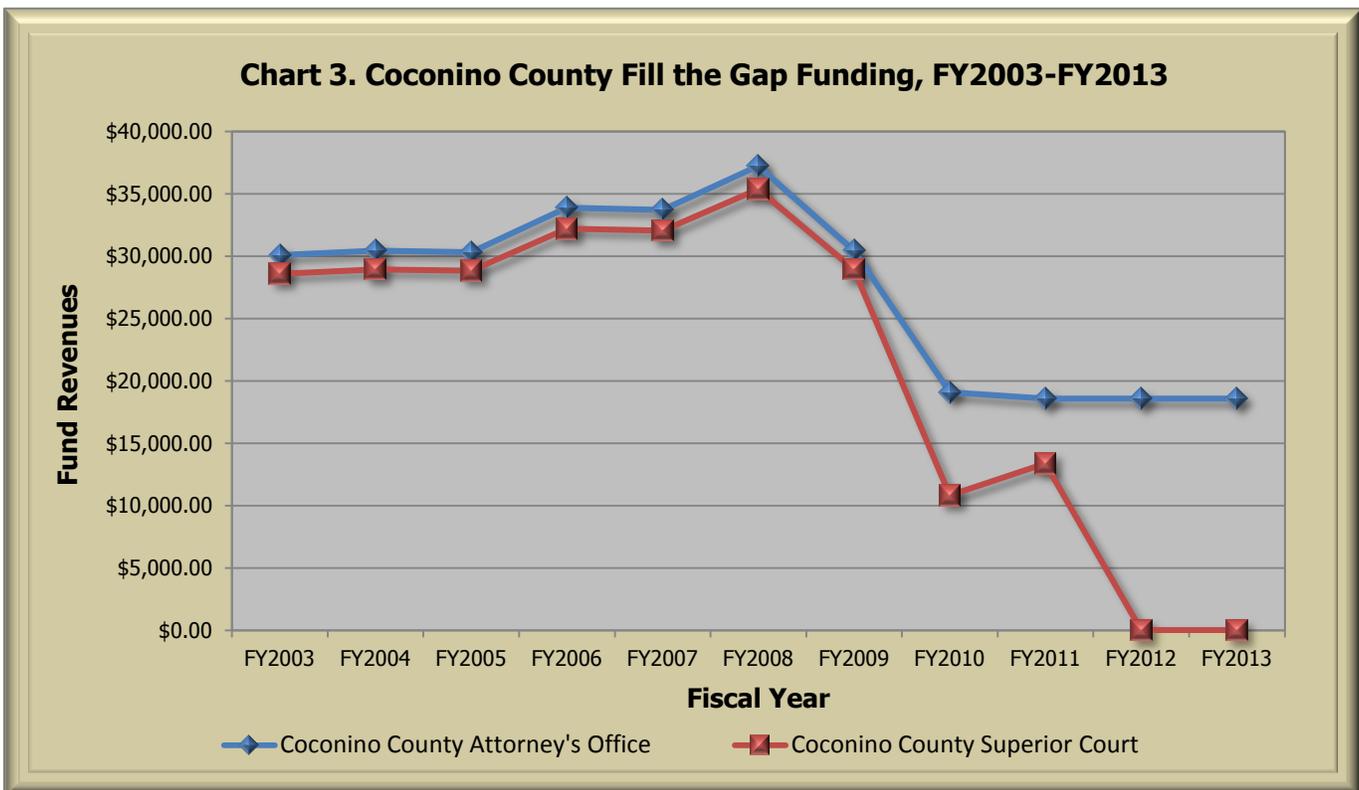
**Table 12. Coconino County Fill the Gap State Allocations  
FY2012 – FY2013**

	FY2012	FY2013	Difference
Coconino County Attorney’s Office	\$18,562	\$18,562	0.0%
Coconino County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

**Table 13. Coconino County Balances and Expenditures of Fill the Gap State Funds  
FY2013**

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Coconino County Attorney’s Office	\$0.00	\$18,562.00	\$0.00	(\$18,562.00)	\$0.00
Coconino County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



### Coconino County Attorney's Office

The Coconino County Attorney's Office utilized FTG funds in FY2013 to support one quarter of the full salary and benefits of a deputy county attorney position. The deputy county attorney position continued to focus on improving case processing times, in addition to the processing of ongoing cases.

The Coconino County Attorney's Office reported that in FY2013 52.0 percent of felony cases were adjudicated within 180 days of the filing date or arraignment date (Table 14). This percentage decreased from 68.0 percent reported in FY2012 and is part of a much larger decrease from the 89.0 percent reported in FY2009. According to the County Attorney's Office, there was a total of 805 felony cases filed by the agency in FY2013, which is a 25.6 percent decrease in felony cases filed from FY2012.

<b>Table 14. Coconino County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Arraigned in FY2013 Excluding Days on Warrant Status</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	60.0%	59.0%	52.0%	44.0%	41.0%	31.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87.0%	89.0%	78.0%	73.0%	68.0%	52.0%
Total Felony Cases Filed	1,446	1,447	884	967	1,082	805

<sup>a</sup> Appeals and technical violations were excluded in FY2008 statistics.

### Coconino County Indigent Defense

The Coconino County Superior Court did not receive FY2013 FTG funds. In addition, the court reported a balance of \$0.00 in available Fill the Gap funds at the beginning of the fiscal year.

<b>Table 15. Coconino County Superior Court Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Criminal Cases Involving a Felony Charge</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	50.0%	50.0%	49.0%	38.0%	40.0%	36.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	81.0%	85.0%	82.0%	68.0%	73.0%	66.0%
Total Felony Cases Filed	1,151	1,070	986	851	723	906

<sup>a</sup> Warrant delays and mental health cases were excluded in FY2008 statistics.

The Coconino County Superior Court reported a decrease in felony cases adjudicated within 180 days of filing from 73.0 percent in FY2012 to 66.0 percent in FY2013 (Table 15). The percentage of felony cases adjudicated within 100 days also fell from 40.0 percent in FY2012 to

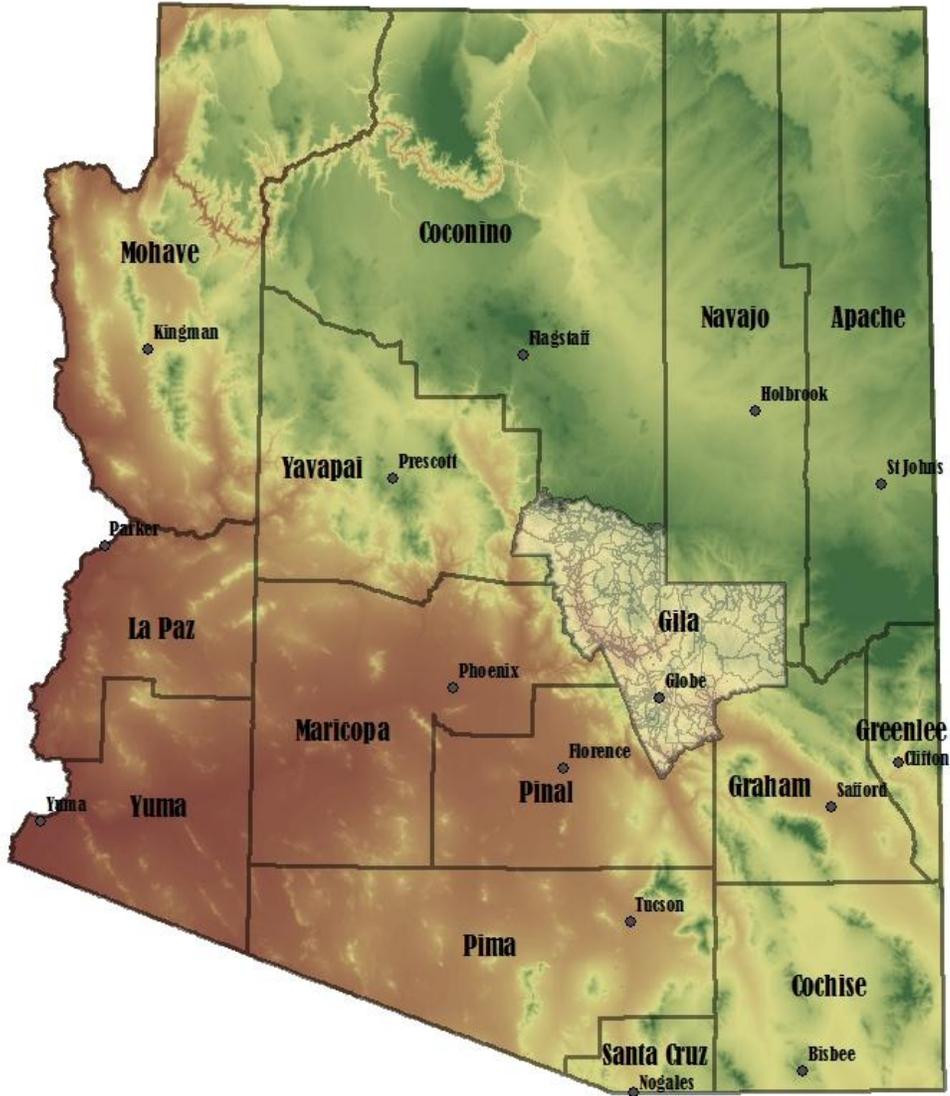
36.0 percent in FY2013. The Superior Court reported a total of 723 felony cases filed in FY2012, which increased to 906 in FY2013.

### Case Processing Statistics for Coconino County

According to ACCH data for Coconino County, the percentage of felony cases adjudicated within 180 days from FY2008 to FY2013 fluctuated, but decreased overall, from 39.1 percent in FY2008 to 32.0 percent in FY2013 (Table 16). The total number of arrest charges resulting in felony case adjudication during the fiscal year also decreased during this time, from 2,575 in FY2008 to 1,699 in FY2013.

<b>Table 16. Coconino County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	224	221	256	270	215	251
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	15.3%	15.3%	13.8%	9.4%	15.3%	9.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	39.1%	37.6%	34.2%	26.0%	41.6%	32.0%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,575	2,240	1,505	1,730	1,538	1,699

# Gila County



<b>2012 ADOA Population Estimate:</b>	53,626
<b>Estimated Population Growth 2003-2012:</b>	3.1%
<b>Percent of Arizona Population:</b>	0.8%
<b>County Seat:</b>	Globe

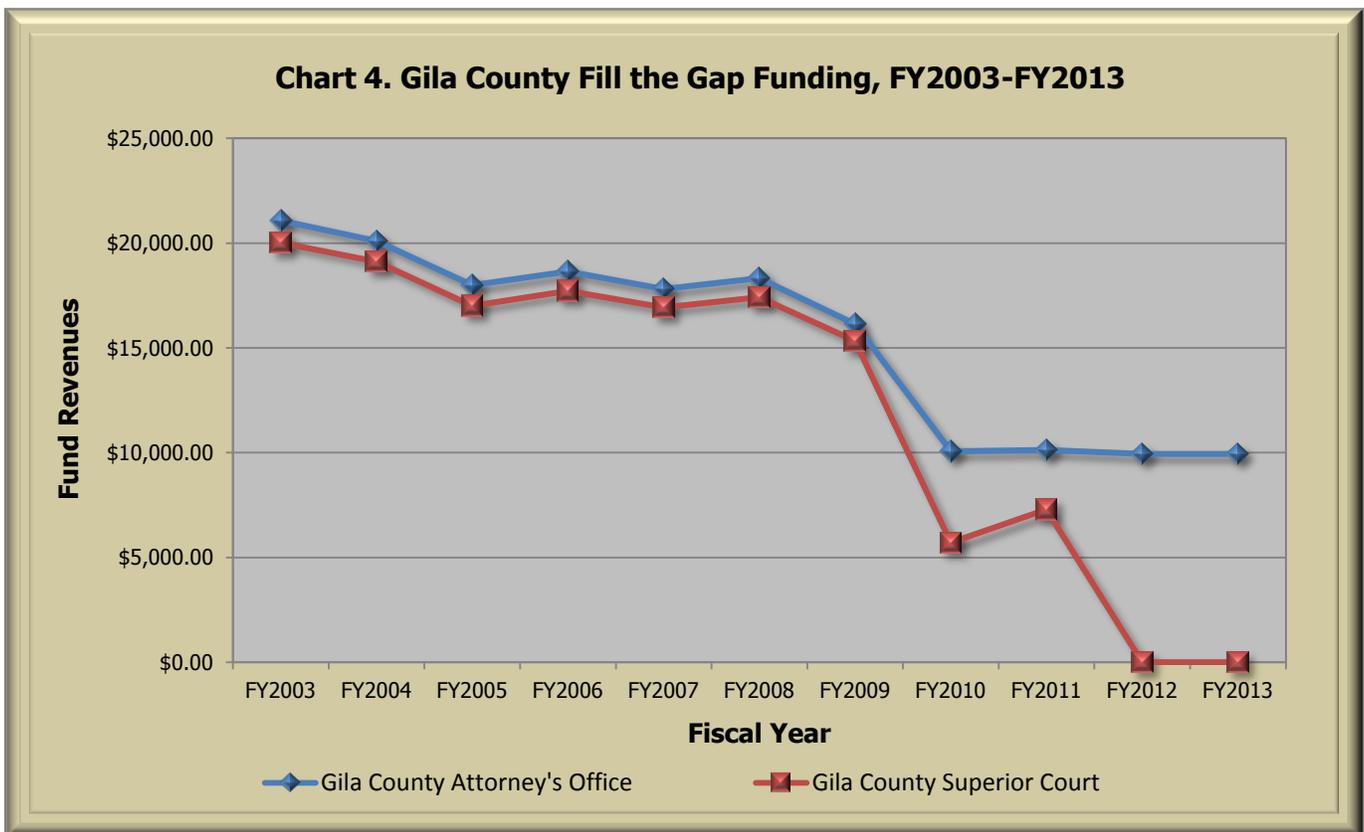
### State Fill the Gap Funding in Gila County

In FY2013, the Gila County Attorney’s Office received a total of \$9,941.00 in State FTG funds. Gila County Superior Court did not receive FTG funds to support indigent defense. Fill the Gap funding for the County Attorney’s Office remained unchanged from FY2012 to FY2013.

	FY2012	FY2013	Difference
Gila County Attorney’s Office	\$9,941	\$9,941	0.0%
Gila County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Gila County Attorney’s Office	\$49,111.91	\$9,941.00	\$226.46	(\$4,014.19)	\$55,265.18
Gila County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



## Gila County Attorney's Office

In FY2013, the Gila County Attorney's Office used FTG funds to continue leasing two computers and printers at the satellite locations of the Arizona Supreme Court located in Payson and Globe. The leased computers maintain access to Superior Court records promoting the timely processing of criminal cases. The leased equipment also provides attorneys with copies of case minute entries that would not otherwise be available. Software related to their case management system was also purchased. A portion of funds were allocated to the annual fees for Judicial Dialog case management software maintenance and support, and additional funds were used to obtain Adobe Acrobat XI software. Additional funds not expended in FY2013 are expected to be used in the future to upgrade computer equipment and the case management system.

The Gila County Attorney's Office reported that in FY2013 83.0 percent of felony cases were adjudicated within 180 days of filing or indictment, an increase from 80.0 percent reported in FY2012 (Table 19). The agency also reported an increase from 17.0 percent in FY2012 to 28.0 percent in FY2013 for cases that were adjudicated within 100 days of filing. The County Attorney's Office filed a total of 447 felony cases during the fiscal year, an increase of 45.1 percent from FY2012.

<b>Table 19. Gila County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Filed by Direct Information or Grand Jury Indictment Except Cases in Warrant Status and Deferred Prosecution/Diversion Status</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009<sup>a</sup></b>	<b>FY2010<sup>b</sup></b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	90.0%	78.0%	32.0%	17.0%	17.0%	28.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	97.0%	95.0%	90.0%	60.0%	80.0%	83.0%
Total Felony Cases Filed	682	685	607	599	308	447

<sup>a</sup> Cases in FY2008 and FY2009 specifically excluded appeals, warrants, deferred cases, and homicides.

<sup>b</sup> Cases in FY2010 only excluded petitions for probation revocation, appeals, and diversion cases.

## Gila County Indigent Defense

The Gila County Superior Court did not receive FY2013 State FTG funds. Also, the agency reported a zero balance in FTG funds at the start of FY2013.

The Gila County Superior Court reported that 32.1 percent of felony cases filed in FY2013 was adjudicated within 100 days of filing, and 53.7 percent were adjudicated within 180 days (Table 20). Although the 100-day adjudication percentage was more than double what was reported in FY2012, the 180-day percentage was a small decrease from the 56.2 percent of felony cases reported in FY2012. The total number of felony cases filed decreased from 614 in FY2012 to 562 in FY2013.

**Table 20. Gila County Superior Court Felony Case Processing Statistics  
FY2008-FY2013**

**Cases Included in FY2013 Statistics:** Felony Cases Closed by Sentencing or Dismissal and Consolidated Cases

	<b>FY2008</b>	<b>FY2009<sup>a</sup></b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	32.3%	31.6%	23.1%	16.2%	13.8%	32.1%
Percent of Felony Cases Adjudicated within 180 Days of Filing	70.5%	73.8%	65.4%	57.1%	56.2%	53.7%
Total Felony Cases Filed	766	685	733	620	614	562

<sup>a</sup> Cases in FY2009 excluded bench warrants, deferred prosecution time, Rule 11 cases, and special action cases.

### Case Processing Statistics for Gila County

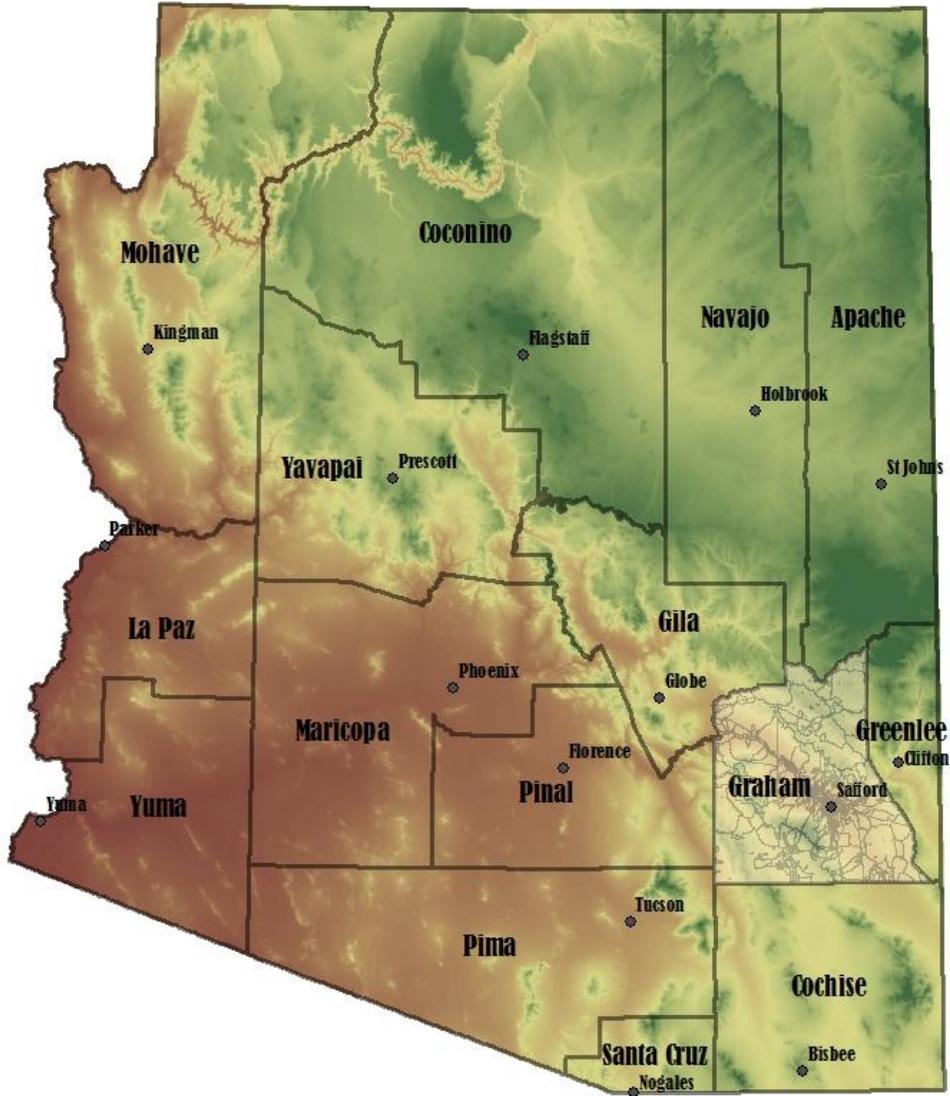
The ACCH data for Gila County shows that the percentage of felony case adjudications finalized within 180 days increased from 9.1 percent in FY2008 to 26.3 percent in FY2010 before falling to 23.0 percent in FY2013 (Table 21). The total number of arrest charges resulting in felony case adjudication reached a high of 1,343 cases in FY2011 before decreasing to 1,082 in FY2013.

**Table 21. Gila County Felony Case Processing Statistics from the  
Arizona Computerized Criminal History (ACCH) System  
FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	379	379	278	301	299	279
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	1.8%	4.1%	7.9%	4.3%	7.0%	9.2%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	9.1%	17.0%	26.3%	18.3%	24.7%	23.0%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	910	904	917	1,343	1,334	1,082

# Graham County



<b>2012 ADOA Population Estimate:</b>	37,314
<b>Estimated Population Growth 2003-2012:</b>	12.0%
<b>Percent of Arizona Population:</b>	0.6%
<b>County Seat:</b>	Safford

### State Fill the Gap Funding in Graham County

In FY2013, the Graham County Attorney's Office received a total of \$7,179.00 in State FTG funds. The Graham County Superior Court did not receive FTG funds to support indigent defense. Fill the Gap funding for the County Attorney's Office did not change from FY2012 to FY2013.

**Table 22. Graham County Fill the Gap State Allocations  
FY2012 – FY2013**

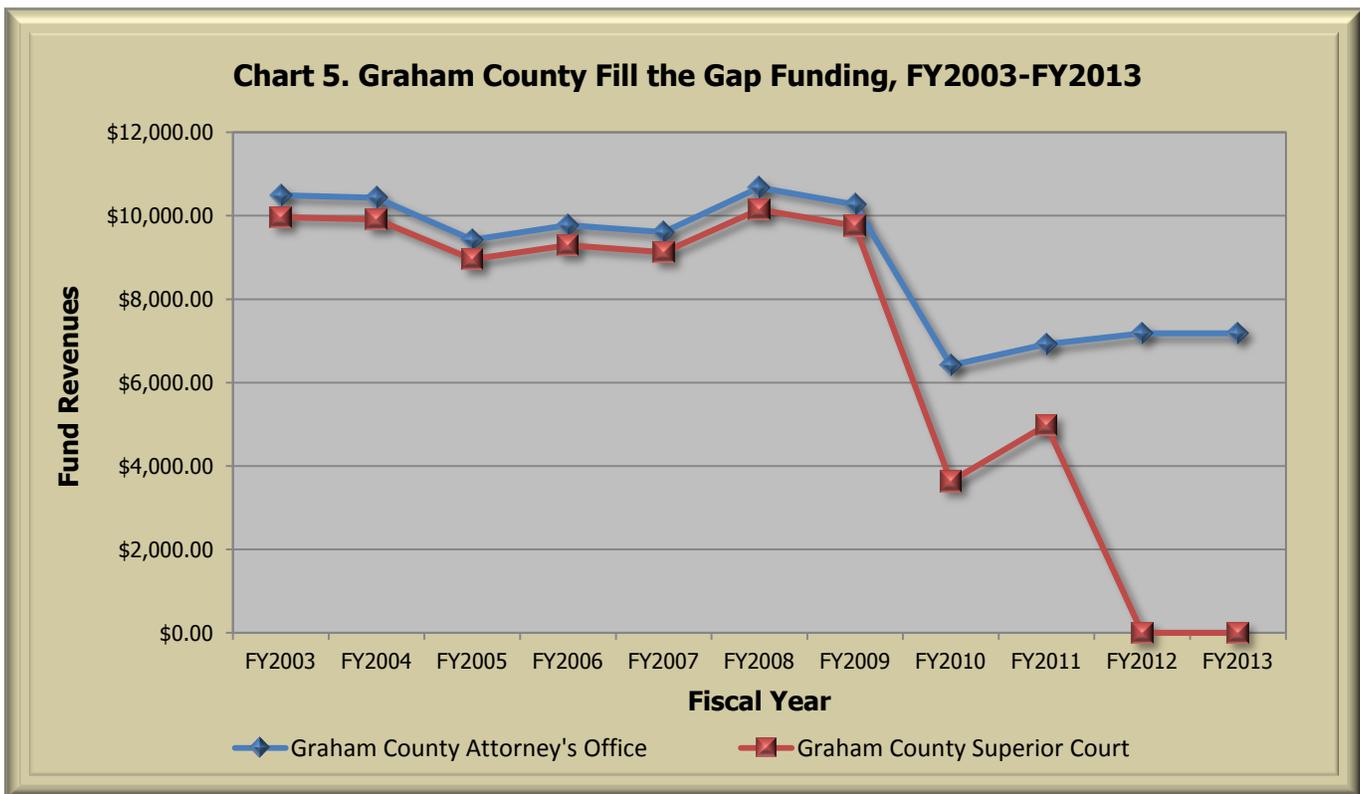
	FY2012	FY2013	Difference
Graham County Attorney's Office	\$7,179	\$7,179	0.0%
Graham County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

**Table 23. Graham County Balances and Expenditures of Fill the Gap State Funds  
FY2013**

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Graham County Attorney's Office	\$13,759.06	\$7,179.00	\$46.94	(\$4,256.04)	\$16,728.96 <sup>a</sup>
Graham County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<sup>a</sup> A total of \$485.51 in the ending balance accounts for fund encumbrances.



### Graham County Attorney's Office

The Graham County Attorney's Office obtained equipment and case management software in FY2013 using FTG funds. The county attorney's office purchased a desk for the Chief Deputy County Attorney, a new printer and label printer to support secretary duties, a headset for interviews, a scanner, and a laptop computer for use during jury trials. Available FTG funds were also used to pay the maintenance fee for the agency's case management system. Maintenance of the case management system along with the purchase of office equipment provided the agency with improved capabilities to process cases efficiently and to meet the reporting requirements for grants received. Future funds are expected to be used for the purchase of a new copier and other equipment for office use.

In Graham County, the reported percentage of felony cases adjudicated within 180 days of filing in FY2013 fell to 67.0 percent from 100.0 percent reported in FY2012 (Table 24). The percentage of felony cases adjudicated within 100 days also fell from 47.0 percent in FY2012 to 43.0 percent in FY2013. There were 391 felony cases filed during the fiscal year, which was an 8.4 percent decrease from FY2012. It is important to note that in FY2011 the agency began pulling data from the agency's case management system while prior years' data were collected by the agency from the Arizona Administrative Office of the Courts.

<b>Table 24. Graham County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Criminal Felony Cases Filed in the Justice Courts</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	41.0%	39.6%	41.6%	51.0%	47.0%	43.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.0%	73.0%	76.4%	100.0%	100.0%	67.0%
Total Felony Cases Filed	606	507	449	456	427	391

<sup>a</sup> Cases in FY2008 excluded warrant and probation violation cases.

### Graham County Indigent Defense

The Graham County Superior Court did not receive FTG funds in FY2013 and the agency's FTG fund balance remained at \$0.00. The agency reported that any future fund assistance would be used to improve the contracting of necessary legal services provided by the Court.

<b>Table 25. Graham County Superior Court Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: All Criminal Felony Cases Filed in Superior Court</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	40.9%	39.3%	41.6%	No Data Provided	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	73.0%	72.8%	76.4%	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	490	528	520	456	433	447

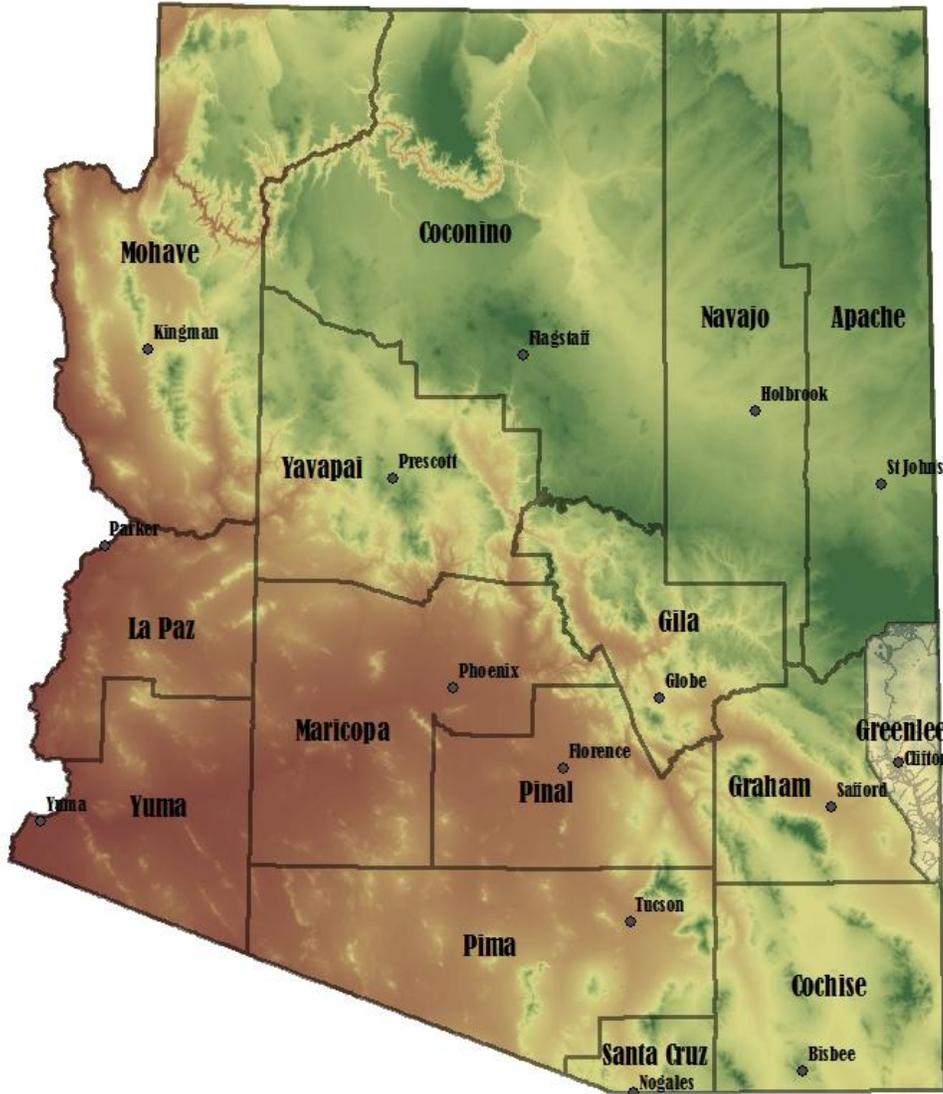
The Graham County Superior Court was unable to provide case processing statistics from FY2011 to FY2013 because the data was not available in their case management system (Table 25). Nonetheless, the agency continued to report the number of felony cases filed, which increased to 447 in FY2013 from 433 in FY2012.

### Case Processing Statistics for Graham County

Data from the ACCH shows that the percentage of felony case adjudications finalized within 180 days of filing in Graham County remained relatively stable, decreasing by one percentage point from 36.6 percent in FY2012 to 35.6 percent in FY2013 (Table 26). The number of arrest charges resulting in felony case adjudications was higher in FY2013 (932) than at any other time during the time period examined.

<b>Table 26. Graham County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	211	250	261	257	222	226
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	12.4%	9.2%	7.3%	9.7%	10.2%	8.3%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	36.0%	27.1%	26.5%	29.9%	36.6%	35.6%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	619	796	791	847	814	932

# Greenlee County



<b>2012 ADOA Population Estimate:</b>	8,599
<b>Estimated Population Growth 2003-2012:</b>	1.7%
<b>Percent of Arizona Population:</b>	0.1%
<b>County Seat:</b>	Clifton

### State Fill the Gap Funding in Greenlee County

In FY2013, the Greenlee County Attorney's Office received a total of \$1,366.00 in State FTG funds. The Greenlee County Superior Court did not receive FTG funds in FY2013 to support indigent defense. Fill the Gap funding for the County Attorney's Office stayed level from FY2012 to FY2013.

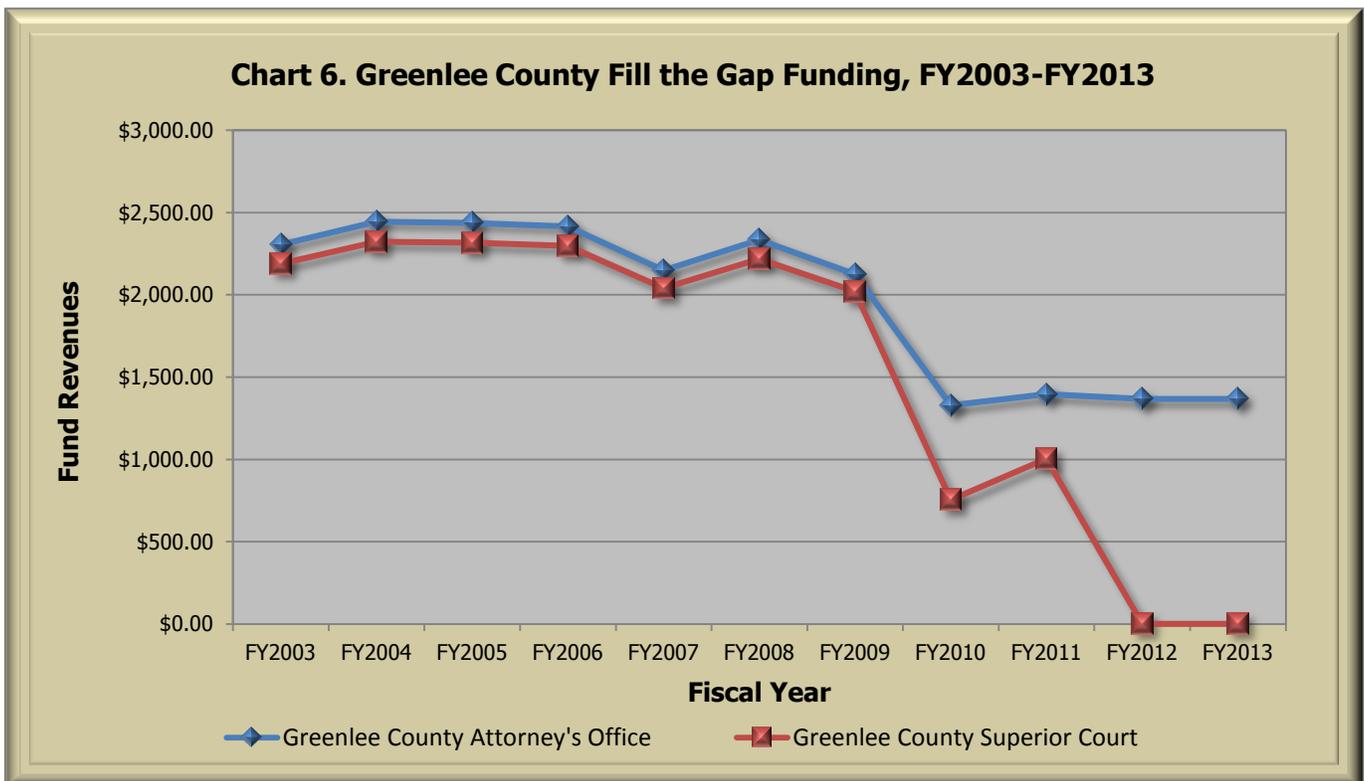
**Table 27. Greenlee County Fill the Gap State Allocations  
FY2012 – FY2013**

	FY2012	FY2013	Difference
Greenlee County Attorney's Office	\$1,366	\$1,366	0.0%
Greenlee County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

**Table 28. Greenlee County Balances and Expenditures of Fill the Gap State Funds  
FY2013**

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Greenlee County Attorney's Office	\$0.00	\$1,366.00	\$0.00	(\$1,366.00)	\$0.00
Greenlee County Superior Court	\$9,515.11	\$0.00	\$4.57	(\$7,050.00)	\$2,469.68



## Greenlee County Attorney's Office

In FY2013, the Greenlee County Attorney's Office directed FTG funds toward the purchase of file folders, paper, portable containers, compact discs, and other office supplies for the continued support of the everyday functions of the office. The supplies keep all case materials organized and easily accessible. Folders and containers help with the organization and transportation of files to court, various colored paper helps identify types of documents easily within case files, and the discs are used to record and document interviews and visuals for reference by attorneys and the defense.

The Greenlee County Attorney's Office reported completing 69.0 percent of felony cases in FY2013 within 180 days of filing, a decrease from 88.0 percent in FY2012 (Table 29). The agency also reported that 56.0 percent of felony cases were adjudicated within 100 days. The County Attorney's Office reported a total of 118 felony cases filed during the most recent fiscal year. It is important to note that a number of data collection methods have been implemented over the six-year period, and the types of felony cases included in the case processing statistics have changed over time.

**Table 29. Greenlee County Attorney's Office Felony Case Processing Statistics  
FY2008-FY2013**

<i>Cases Included in FY2013 Statistics: All Felony Cases Filed by the County Attorney</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010<sup>b</sup></b>	<b>FY2011<sup>b</sup></b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	85.0%	98.0%	94.0%	84.0%	75.0%	56.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	96.0%	99.0%	99.0%	96.0%	88.0%	69.0%
Total Felony Cases Filed	104	126	127	117	122	118

<sup>a</sup> Cases in FY2008 excluded active warrant cases, appeals, revocations, and Rule 11 cases.

<sup>b</sup> Cases in FY2010 and FY2011 excluded cases with active warrants.

## Greenlee County Indigent Defense

As with all other indigent defense agencies, the Greenlee County Superior Court did not receive any FTG funds in FY2013, but the agency did report an FY2013 beginning balance of \$9,515.11. The Court expended \$7,050.00 of those funds to hire contract attorneys for indigent defense services in FY2013. The Court reported that FTG funding for indigent defense services helps to expedite the processing of cases and eliminates the need for the Court to go to other counties for defense attorney representation.

The Superior Court reported that in FY2013 99.0 percent of all felony cases were adjudicated within 180 days of filing (Table 30). The percentage of felony cases adjudicated within 100 days was 75.0 percent in FY2013. There were a total of 70 felony cases filed during FY2013. It should be noted that the data collection parameters used by the Court to obtain these statistics have changed over the years, thus comparisons across fiscal years is not recommended.

**Table 30. Greenlee County Superior Court Felony Case Processing Statistics  
FY2008-FY2013**

**Cases Included in FY2013 Statistics:** Felony Cases Leading to Sentencing Except Out-of-County Judge, Warrant Status, and Other Pending Cases

	FY2008	FY2009 <sup>a</sup>	FY2010 <sup>b</sup>	FY2011 <sup>b</sup>	FY2012 <sup>c</sup>	FY2013
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	76.0%	72.0%	71.0%	78.0%	75.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	95.0%	96.0%	87.0%	91.0%	99.0%
Total Felony Cases Filed	No Data Provided	91	75	82	71	70

<sup>a</sup> FY2009 cases excluded courtesy supervision, interstate compact, dismissal, pending Rule 11, opened in error, and pending cases.

<sup>b</sup> Cases in FY2010 and FY2011 included warrant status cases.

<sup>c</sup> FY2012 cases excluded interstate compact, out-of-county judge, warrant status, and opened in error cases.

### Case Processing Statistics for Greenlee County

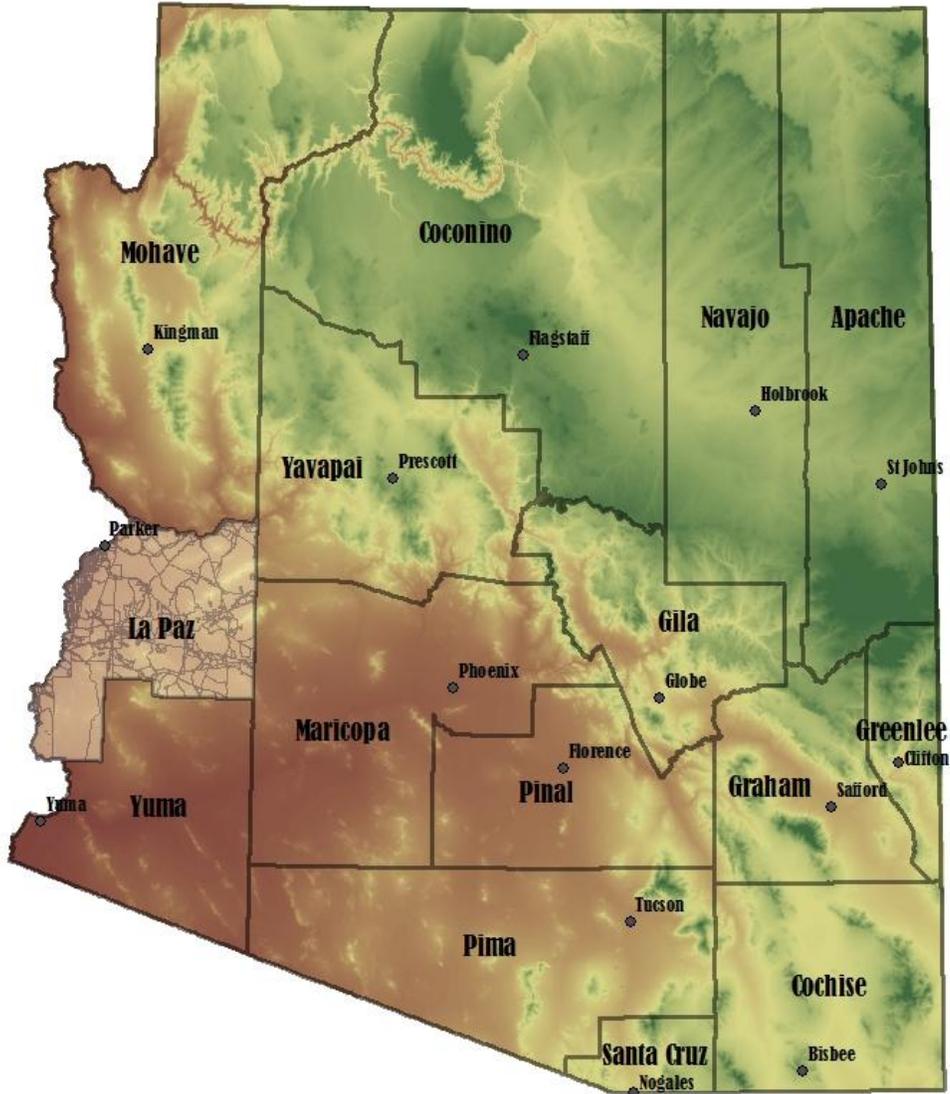
According to ACCH data for Greenlee County, in FY2013 71.5 percent of felony case adjudications were finalized within 180 days of filing (Table 31). The total number of arrest charges resulting in felony case adjudications decreased slightly from 184 cases in FY2012 to 172 cases in FY2013.

**Table 31. Greenlee County Felony Case Processing Statistics from the  
Arizona Computerized Criminal History (ACCH) System  
FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	149	100	136	331	111	139
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	30.7%	50.3%	38.2%	17.0%	44.0%	26.2%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	65.0%	77.9%	77.6%	29.9%	79.3%	71.5%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	137	145	165	471	184	172

# La Paz County



<b>2012 ADOA Population Estimate:</b>	20,902
<b>Estimated Population Growth 2003-2012:</b>	2.1%
<b>Percent of Arizona Population:</b>	0.3%
<b>County Seat:</b>	Parker

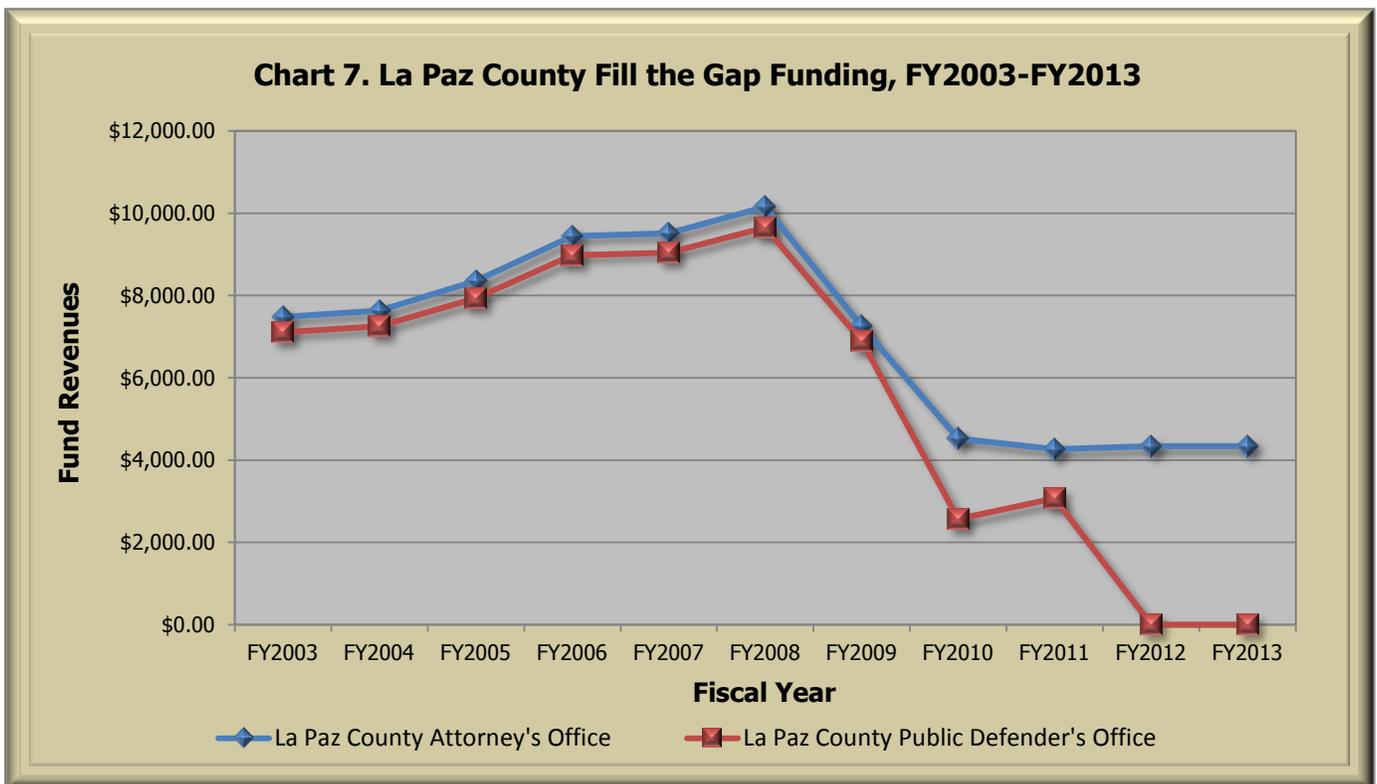
### State Fill the Gap Funding in La Paz County

In FY2013, the La Paz County Attorney's Office received a total of \$4,335.00 in State FTG funds. The La Paz County Public Defender's Office did not receive FTG funds in FY2013. There was no change in FTG funding for the County Attorney's Office from FY2012 to FY2013.

	FY2012	FY2013	Difference
La Paz County Attorney's Office	\$4,335	\$4,335	0.0%
La Paz County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
La Paz County Attorney's Office	\$17,757.49	\$4,335.00	\$66.51	\$0.00	\$22,159.00
La Paz County Public Defender's Office	\$2,083.92	\$0.00	\$7.91	\$0.00	\$2,091.83



### La Paz County Attorney's Office

No FTG expenditures were reported for the La Paz County Attorney's Office during FY2013. The agency received a total of \$4,335 in FY2013 FTG funds and the agency has solidified plans to use these and prior funds in the future for new case management system software to improve case processing and tracking capabilities.

The County Attorney continued to experience complications in collecting case adjudication statistics from the Superior Court, which prevented them from submitting case processing data (Table 34). However, the County Attorney's Office was able to report a total of 229 felony cases filed in FY2013, an increase from the 203 case filed in FY2012.

<b>Table 34. La Paz County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	22.6%	No Data Provided				
Percent of Felony Cases Adjudicated within 180 Days of Filing	40.7%	No Data Provided				
Total Felony Cases Filed	337	357	407	318	203	229

### La Paz County Indigent Defense

The La Paz County Public Defender's Office did not receive FTG funds in FY2013, and the agency reported carrying over a balance of \$2,083.92 from FY2012. Although carryover funds were available in FY2013, the Office did not report any expenditure of FTG funds.

The La Paz County Public Defender's Office was also unable to capture case processing data to calculate the percentage of felony cases adjudicated within 100 and 180 days (Table 35). The agency reported a total of 276 felony cases filed in FY2013, a modest increase from the 267 cases filed in FY2012.

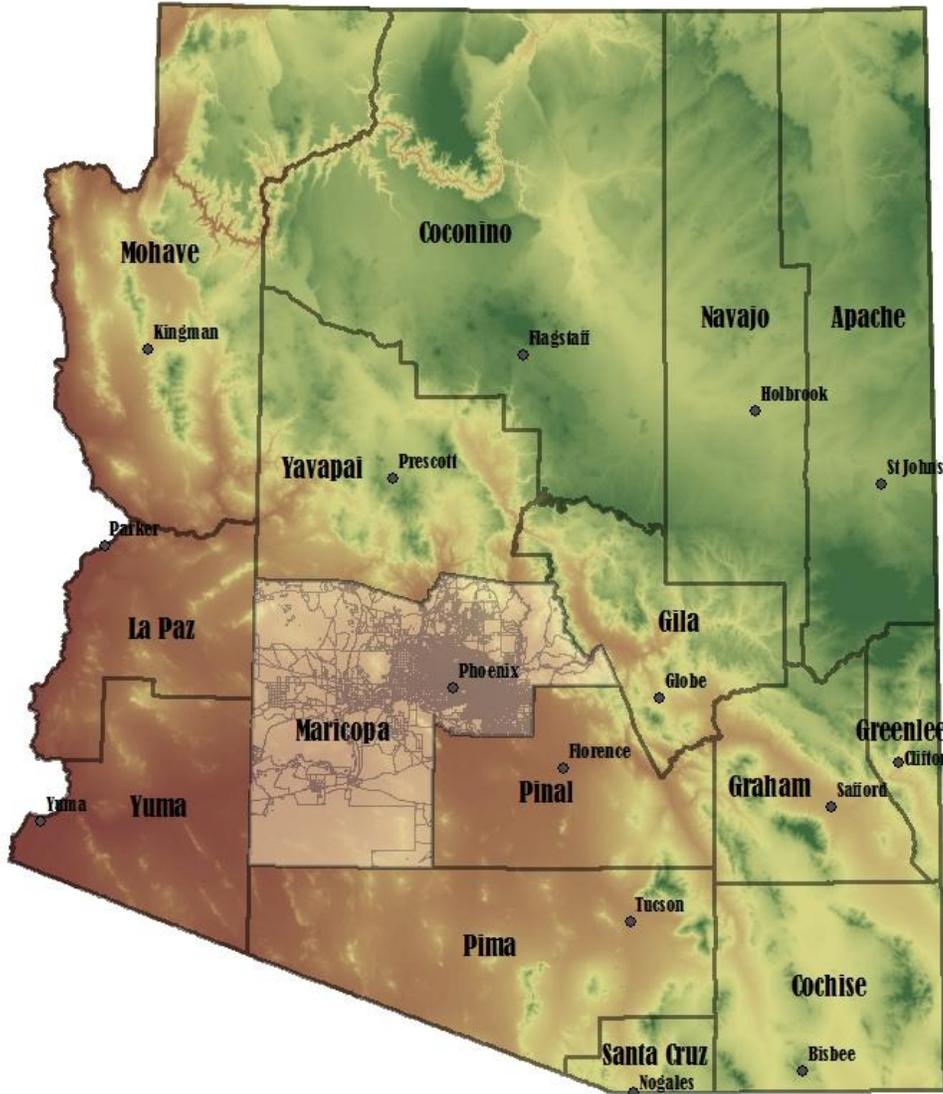
<b>Table 35. La Paz County Public Defender's Office Felony Case Processing Statistics FY2008-FY2013</b>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	22.6%	No Data Provided				
Percent of Felony Cases Adjudicated within 180 Days of Filing	42.9%	No Data Provided				
Total Felony Cases Filed	336	369	No Data Provided	318	267	276

### Case Processing Statistics for La Paz County

In FY2013, 33.1 percent of felony case adjudications were finalized within 180 days of filing, which was the same percentage as in FY2012 (Table 36). Since FY2010, the number of total arrest charges resulting in felony case adjudications has decreased from 548 in FY2010 to 329 in FY2013.

<b>Table 36. La Paz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	300	242	212	191	240	265
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	8.5%	16.1%	12.6%	16.7%	12.0%	13.1%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	26.4%	33.2%	36.7%	48.1%	33.1%	33.1%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	352	546	548	497	384	329

# Maricopa County



<b>2012 ADOA Population Estimate:</b>	3,884,705
<b>Estimated Population Growth 2003-2012:</b>	15.8%
<b>Percent of Arizona Population:</b>	59.8%
<b>County Seat:</b>	Phoenix

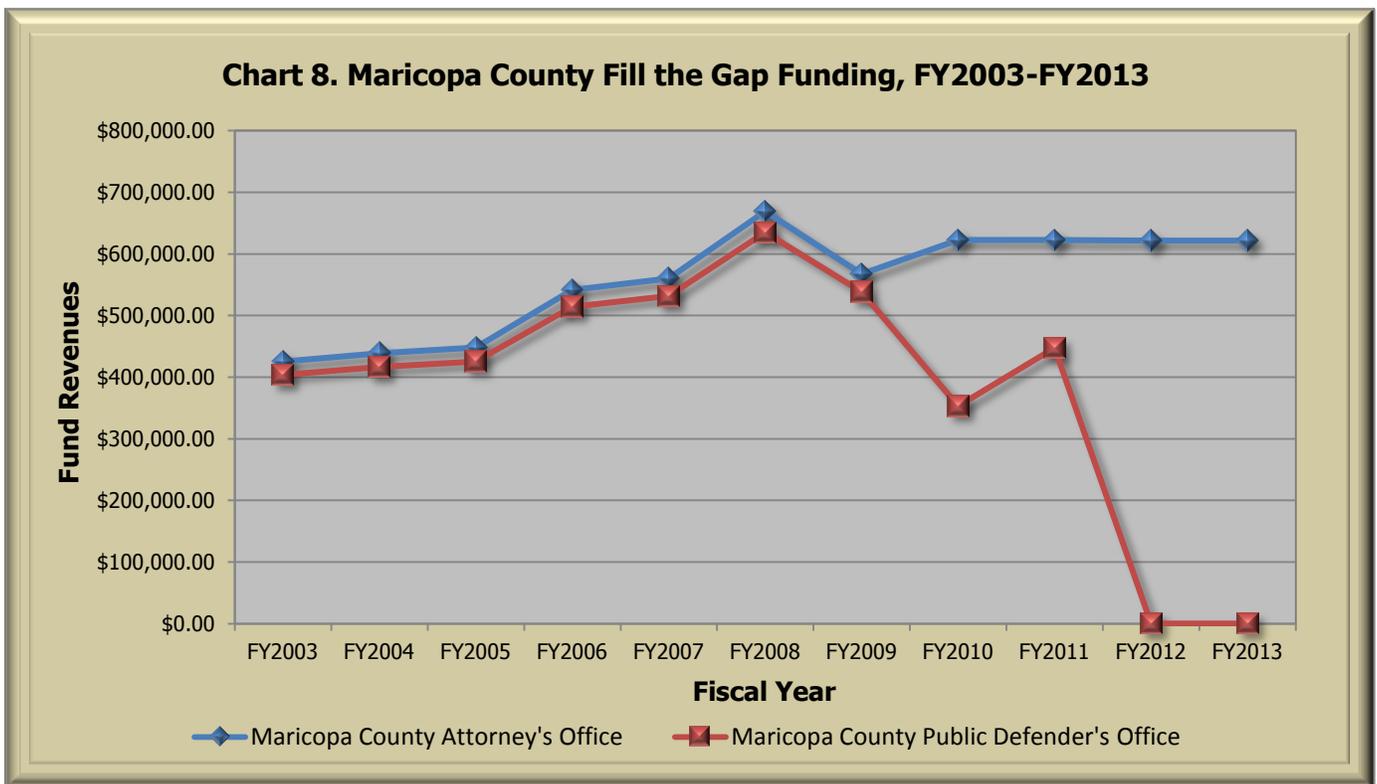
### State Fill the Gap Funding in Maricopa County

In FY2013, the Maricopa County Attorney’s Office received a total of \$621,285.00 in State FTG funds. The Maricopa County Public Defender’s Office did not receive FTG funds in FY2013. From FY2012 to FY2013, FTG funding for the County Attorney’s Office remained unchanged.

<b>Table 37. Maricopa County Fill the Gap State Allocations FY2012 – FY2013</b>			
	FY2012	FY2013	Difference
Maricopa County Attorney’s Office	\$621,285	\$621,285	0.0%
Maricopa County Public Defender’s Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

<b>Table 38. Maricopa County Balances and Expenditures of Fill the Gap State Funds FY2013</b>					
	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Maricopa County Attorney’s Office	\$1,740,560.09	\$621,285.00	\$718.00	(\$722,632.41)	\$1,639,930.68
Maricopa County Public Defender’s Office	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



### Maricopa County Attorney’s Office

Maricopa County Attorney’s Office allotted over \$722,600 of FTG funds in FY2013 to support staff salaries, overtime, and benefits for fourteen legal support assistant positions. These positions supported the timely processing of out-of-custody cases, the expedited processing of out-of-custody cases where the offender is actually in jail on other charges, and the prompt entering of charging decisions into the County Attorney Information System (CAIS) at the pre-trial bureaus. The County Attorney’s Office is also making efforts to collaborate with other entities in the county and improve efficiencies by moving some processes from paper or hard copy to digital/electronic format.

Maricopa County Attorney’s Office reported that 85.0 percent of felony cases disposed in FY2013 were adjudicated within 180 days of the filing date, a small decrease from the 86.3 percent reported in FY2012 (Table 39). The County Attorney also reported a drop in the percentage of felony cases adjudicated within 100 days from 63.6 percent in FY2012 to 63.0 percent in FY2013. The number of felony cases filed by the County Attorney decreased by 6.1 percent from 21,550 cases reported in FY2012 to 20,226 in FY2013.

<b>Table 39. Maricopa County Attorney’s Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Disposed in FY2013 Except Homicides, Highly Complex Cases, Appeals, Conflicts, Purged Cases, Probation Violations, Diversion Time, Time Spent in Rule 11 Proceedings, Time in Warrant Status, and Time in Special Actions</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009<sup>a</sup></b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	72.0%	68.5%	71.9%	73.7%	63.6%	63.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	87.0%	86.5%	88.0%	89.3%	86.3%	85.0%
Total Felony Cases Filed	42,081	40,760	38,862	33,860	21,550	20,226

<sup>a</sup> Cases in FY2008 and FY2009 included conflict and purged cases.

### Maricopa County Indigent Defense

During FY2013, the Maricopa County Public Defender’s Office did not receive FTG funds, and the Office reported a State FTG fund balance of \$0.00. New legislation that expanded eligibility requirements for diversion courts are intended to meet the needs of veterans, the homeless, and the mentally ill and will have an impact on case processing times in the county.

The Maricopa County Public Defender’s Office reported that 86.1 percent of felony cases were adjudicated within 180 days of the arraignment date in FY2013, which is a slight decrease from the 86.3 percent reported in FY2012 (Table 40). In contrast, the percentage of cases closed within 100 days of filing increased from 74.2 percent in FY2012 to 76.1 percent in FY2013. The Public Defender’s Office reported that 31,036 felony cases were filed during FY2012 and the number of felony cases filed decreased to 30,245 in FY2013.

**Table 40. Maricopa County Public Defender's Office Felony Case Processing Statistics  
FY2008-FY2013***Cases Included in FY2013 Statistics: Felony Cases Closed in FY2013 Except Appeals and Probation Violations*

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Closed within 100 Days of Arraignment/Assignment	74.3%	71.1%	75.2%	75.5%	74.2%	76.1%
Percent of Felony Cases Closed within 180 Days of Arraignment/Assignment	86.3%	83.5%	86.3%	86.2%	86.3%	86.1%
Total Felony Cases Filed	39,513	36,997	33,064	31,270	31,036	30,245

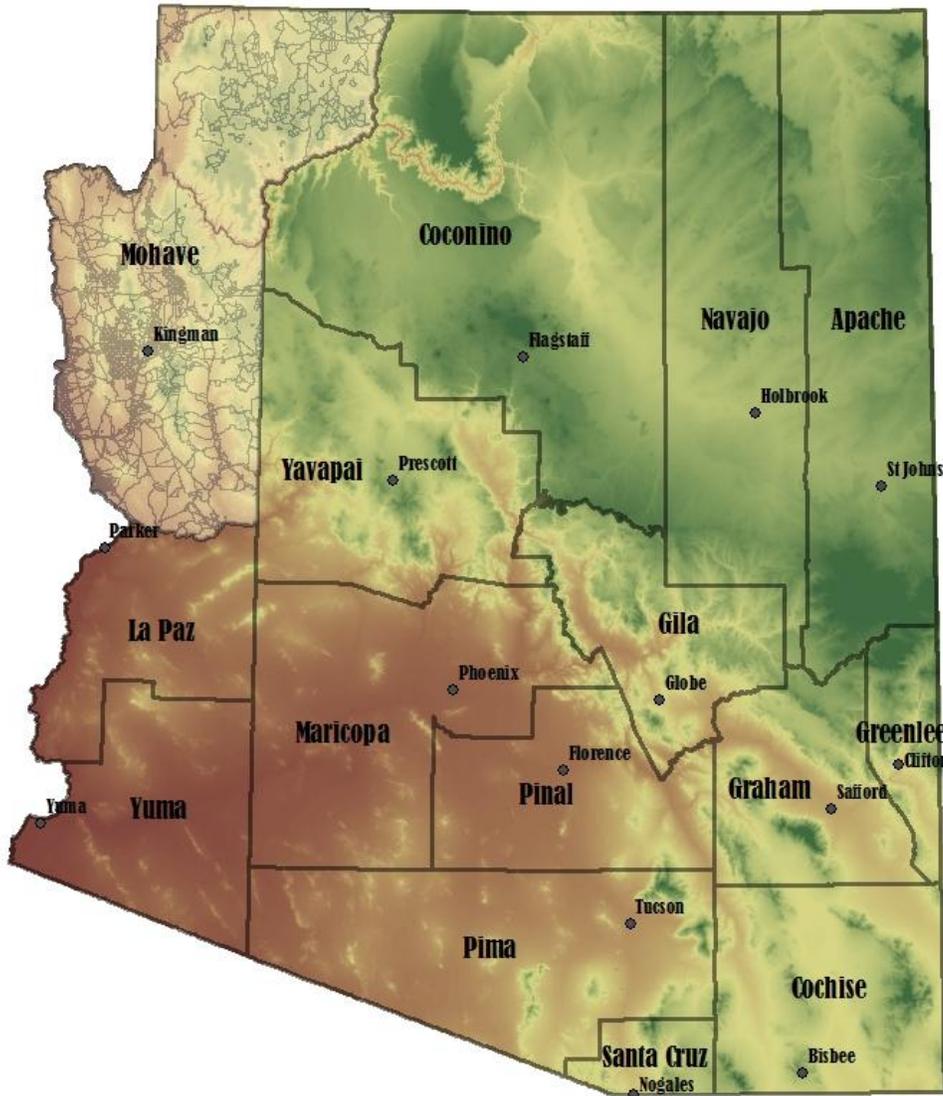
**Case Processing Statistics for Maricopa County**

Maricopa County ACCH data reveals that felony case adjudications finalized within 180 days of filing fluctuated, but generally fell, from 55.6 percent in FY2008 to 45.2 percent in FY2013 (Table 41). Similarly, the number of arrest charges resulting in felony case adjudications also generally decreased during the time period examined from 47,237 in FY2008 to 46,588 in FY2013.

**Table 41. Maricopa County Felony Case Processing Statistics from the  
Arizona Computerized Criminal History (ACCH) System  
FY2008-2013***Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.*

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	163	178	175	183	180	197
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	27.7%	24.0%	26.5%	26.4%	24.4%	23.1%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	55.6%	50.9%	51.8%	49.1%	50.0%	45.2%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	47,237	53,638	51,394	49,943	44,112	46,588

# Mohave County



<b>2012 ADOA Population Estimate:</b>	203,072
<b>Estimated Population Growth 2003-2012:</b>	19.5%
<b>Percent of Arizona Population:</b>	3.1%
<b>County Seat:</b>	Kingman

### State Fill the Gap Funding in Mohave County

In FY2013, the Mohave County Attorney's Office received a total of \$27,510.00 in State FTG funds. The Mohave County Public Defender's Office did not receive FTG funds in FY2013. The FY2013 FTG funding for the County Attorney's Office did not differ from the FY2012 funding level.

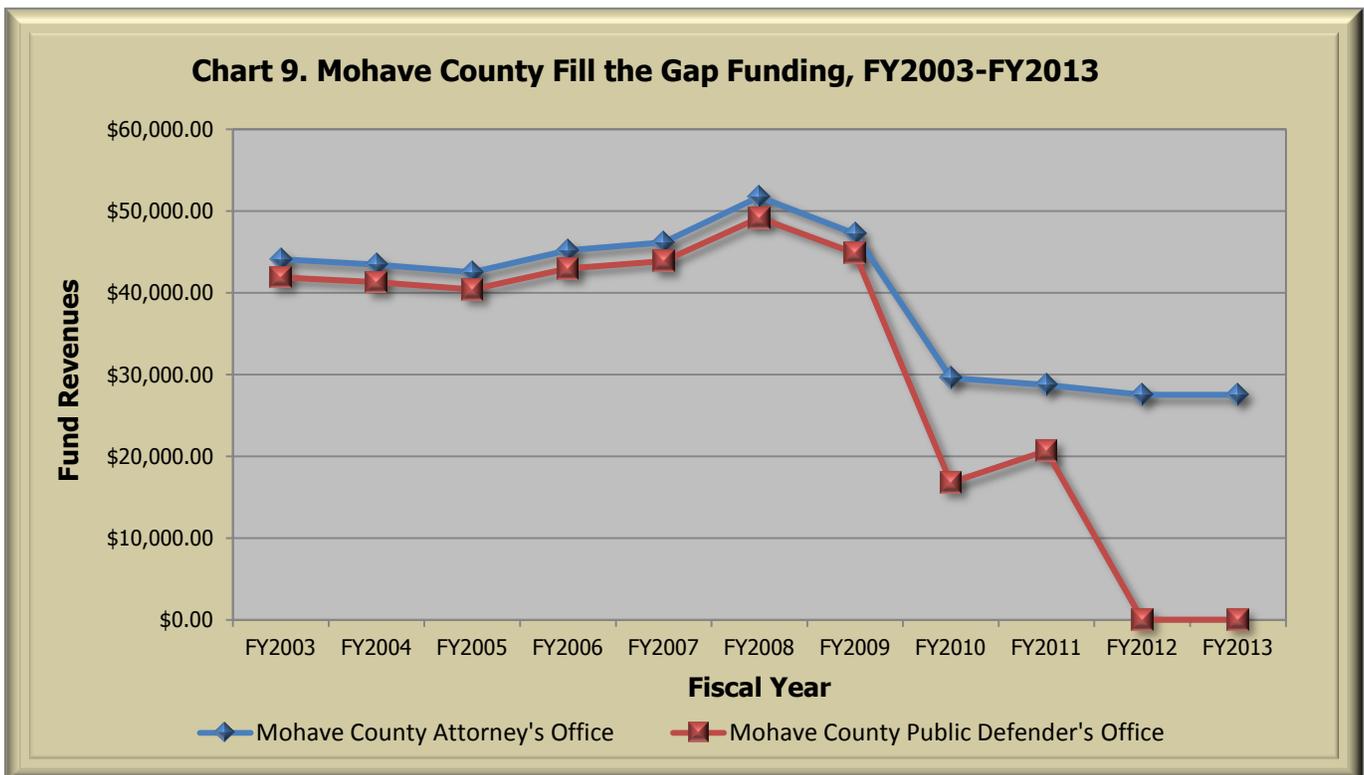
**Table 42. Mohave County Fill the Gap State Allocations  
FY2012 – FY2013**

	FY2012	FY2013	Difference
Mohave County Attorney's Office	\$27,510	\$27,510	0.0%
Mohave County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

**Table 43. Mohave County Balances and Expenditures of Fill the Gap State Funds  
FY2013**

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Mohave County Attorney's Office	\$0.00	\$27,510.00	\$0.00	(\$27,510.00)	\$0.00
Mohave County Public Defender's Office	\$10,659.00	\$0.00	\$34.72	(\$6,100.78)	\$4,592.94



### Mohave County Attorney's Office

The Mohave County Attorney's Office allocated FY2013 FTG funding to the partial salary and benefits of a prosecuting attorney and the rent and electricity to support the presence of an investigator in Colorado City. The partially funded prosecutor position assisted with keeping cases moving at the busiest justice court in the county. The investigator was an integral piece in the prosecution of two high-profile cases, which demanded a large amount of the agency's resources including FTG funds.

The Mohave County Attorney's Office reported that in FY2013 76.0 percent of all adult and juvenile felony cases were completed within 180 days of filing, a decrease from 83.0 percent in FY2012 (Table 44). The percentage of felony cases adjudicated within 100 days also decreased from 68.0 percent in FY2012 to 62.0 percent in FY2013. The County Attorney's Office reported that the number of felony cases filed rose from 2,141 in FY2012 to 2,337 in FY2013.

<b>Table 44. Mohave County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: All Felony Adult and Juvenile Cases</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	69.0%	68.0%	66.0%	64.0%	68.0%	62.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	90.0%	85.0%	86.0%	87.0%	83.0%	76.0%
Total Felony Cases Filed	2,647	2,281	1,991	2,163	2,141	2,337

### Mohave County Indigent Defense

In FY2013, the Mohave County Public Defender's Office and Legal Defender did not receive FTG funds, but the Legal Defender carried over a balance of \$10,659.00 from FY2012. A portion of available funds went toward the following: medical records acquisition, airfare for an expert in a homicide case, other travel expenses for a city attorney and for the attorney candidate interview process, dry cleaning expenses, notary bond insurance, law books for attorneys, transcription software support, computer monitors, one color printer, and Adobe software. Updates to equipment and software were reported to have helped the agency increase efficiencies and improve case processing. Carryover FTG funds also helped support the interviewing of attorney candidates, which expedited the process by eliminating the need to use county general funds. Both offices also went through a realignment process in order to streamline cases and assure cases are quickly forwarded to the appropriate office.

The Public Defender's Office was unable to obtain the requested case processing statistics from the local and state case management systems for FY2013. The Mohave County Legal Defender reported a total of 1,112 felony cases filed in FY2013 (Table 45).

**Table 45. Mohave County Public/Legal Defender’s Office Felony Case Processing Statistics FY2008-FY2013**

**Cases Included in FY2013 Statistics: Felony Cases Filed in FY2013**

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010<sup>a</sup></b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	40.0%	No Data Provided	58.0%	No Data Provided	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	79.0%	No Data Provided	75.0%	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	824	No Data Provided	2,121	No Data Provided	3,852	1,112 <sup>b</sup>

<sup>a</sup> The FY2010 data excludes 256 cases assigned to contract counsel for which data is not available.

<sup>b</sup> Total number of FY2013 felony cases filed and reported by the Mohave County Legal Defender’s Office. Prior years’ statistics reported by the Public Defender’s Office.

### Case Processing Statistics for Mohave County

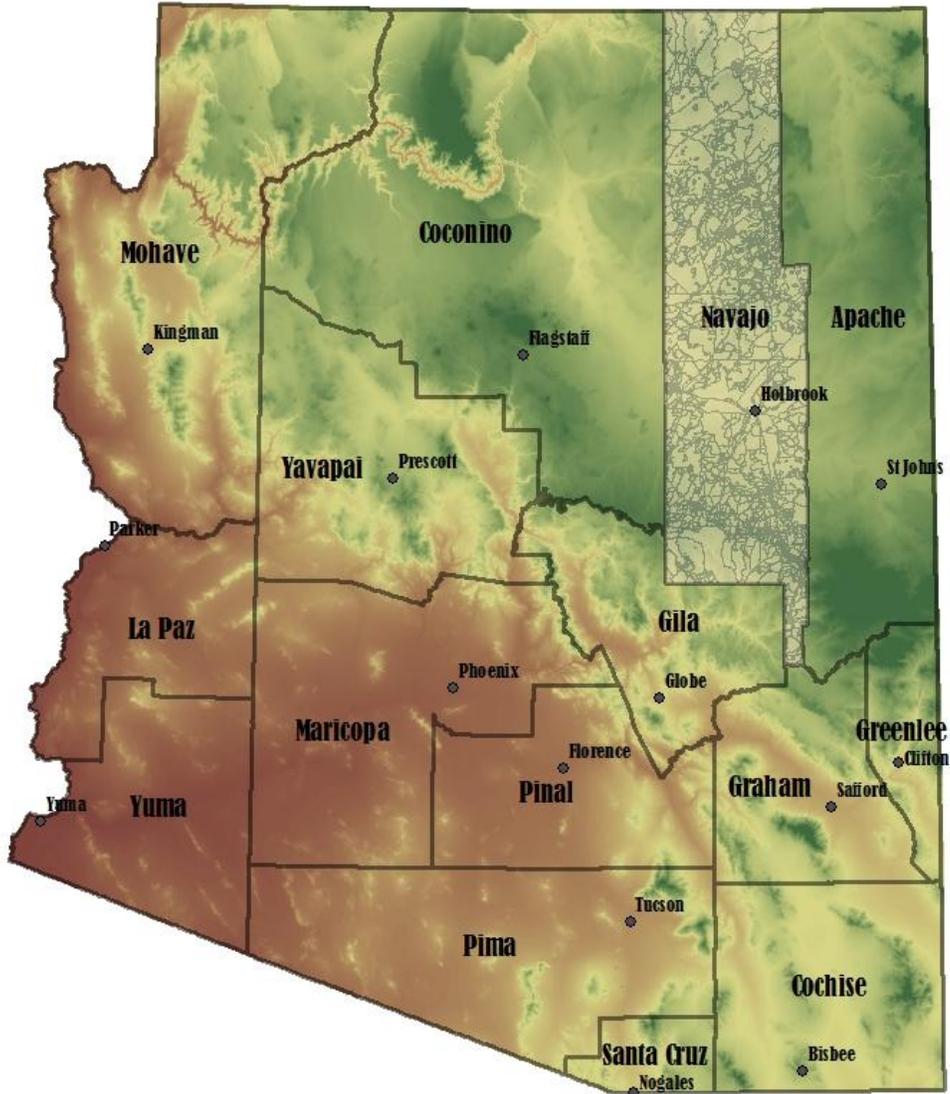
Data from the ACCH shows that the percentage of felony case adjudications finalized within 180 days in Mohave County fluctuated slightly from year-to-year, but fell to a low of 51.7 percent in FY2013 (Table 46). During the same time, the total number of arrest charges resulting in felony case adjudications increased to a high of 2,677 in FY2013.

**Table 46. Mohave County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	171	162	153	160	165	175
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	24.7%	25.6%	29.4%	30.7%	26.1%	24.8%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	53.9%	54.7%	58.9%	60.5%	54.2%	51.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,024	1,741	1,952	2,090	1,959	2,677

# Navajo County



<b>2012 ADOA Population Estimate:</b>	107,923
<b>Estimated Population Growth 2003-2012:</b>	6.5%
<b>Percent of Arizona Population:</b>	1.7%
<b>County Seat:</b>	Holbrook

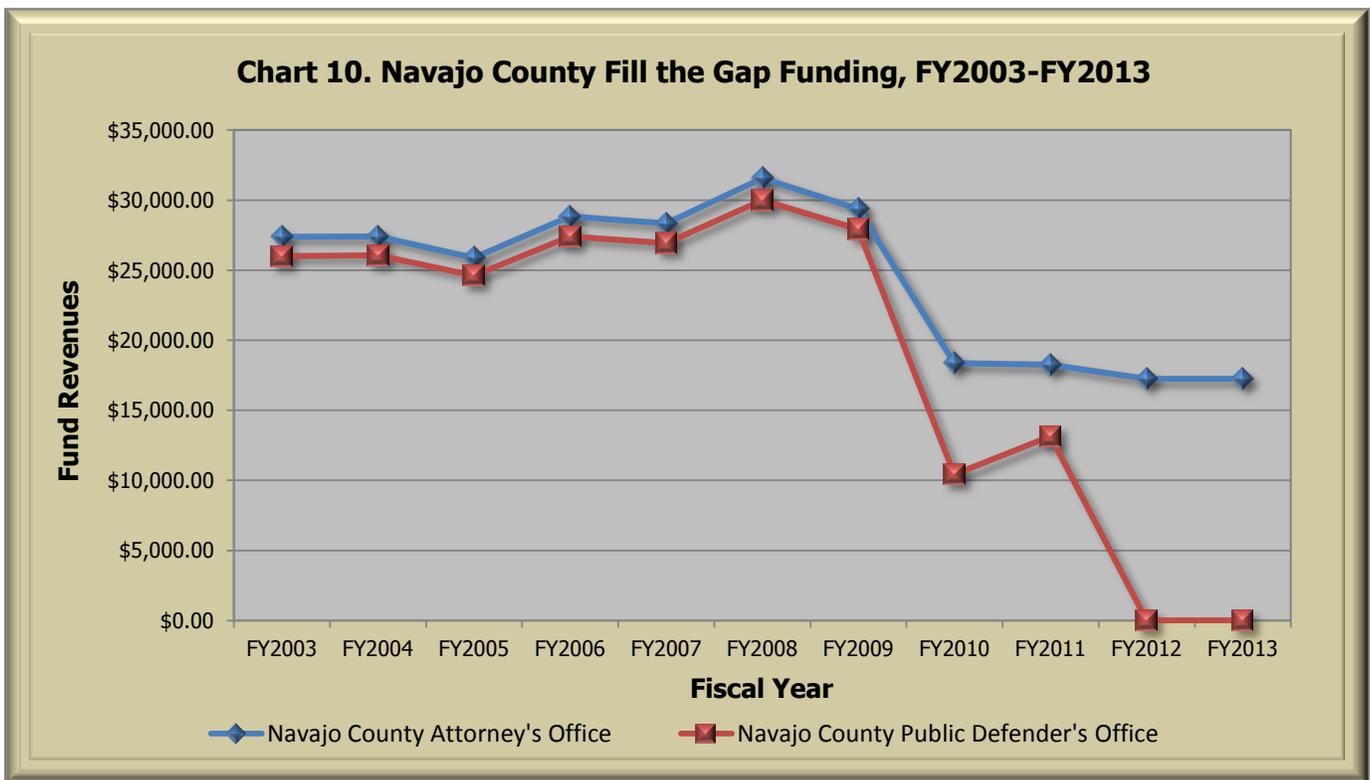
### State Fill the Gap Funding in Navajo County

In FY2013, the Navajo County Attorney's Office received a total of \$17,246.00 in State FTG funds. The Navajo County Public Defender's Office did not receive FTG funds in FY2013. Fill the Gap funding for the County Attorney's Office stayed the same from FY2012 to FY2013.

<b>Table 47. Navajo County Fill the Gap State Allocations FY2012 – FY2013</b>			
	FY2012	FY2013	Difference
Navajo County Attorney's Office	\$17,246	\$17,246	0.0%
Navajo County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

<b>Table 48. Navajo County Balances and Expenditures of Fill the Gap State Funds FY2013</b>					
	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Navajo County Attorney's Office	\$25,957.03	\$17,246.00	\$145.85	(\$10,489.98)	\$32,858.90
Navajo County Public Defender's Office	\$488.58	\$0.00	\$0.00	\$0.00	\$488.58



## Navajo County Attorney's Office

The Navajo County Attorney's Office allotted FTG funds in FY2013 to continue software licensing agreements for their Adobe Acrobat and Microsoft software. Software updates assisted the agency in its efforts to go paperless and to make sensitive documents readily available with redactions where necessary. Additional funding was allocated to pay for fringe benefits for staff, specifically worker's compensation insurance.

The County Attorney's Office reported that 32.0 percent of felony cases filed in FY2013 were adjudicated within 180 days of filing, an increase from the 9.9 percent reported in FY2012 (Table 49). The percentage of felony cases adjudicated within 100 days also increased from 6.2 percent in FY2012 to 19.0 percent in FY2013. A total of 1,156 felony cases were filed by the Navajo County Attorney's Office in FY2013, the lowest number of felony cases filed over the six-year period.

**Table 49. Navajo County Attorney's Office Felony Case Processing Statistics  
FY2008-FY2013**

<i>Cases Included in FY2013 Statistics: Felony Cases Filed in FY2013</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	88.0%	9.0%	8.0%	6.0%	6.2%	19.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	92.0%	16.0%	11.0%	9.0%	9.9%	32.0%
Total Felony Cases Filed	1,798	1,635	1,258	1,266	1,295	1,156

<sup>a</sup> The FY2008 data excluded appeals, warrant cases, and violations.

## Navajo County Indigent Defense

During FY2013, the Navajo County Legal Defender's Office did not receive State FTG funds, and the Office did not carry over a balance from FY2012. The Navajo County Public Defender's Office did not receive FY2013 funding but carried over a balance of \$488.58 in State FTG funds from FY2012. Funds are projected to be used in the future for a printer at the Show Low office or a television and DVD player for interview playback.

**Table 50. Navajo County Public Defender's Office Felony Case Processing Statistics  
FY2008-FY2013**

<i>Cases Included in FY2013 Statistics: Felony Cases with an Appointed Public Defender during FY2013</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	33.0%	53.0%	75.0%	87.0%	62.0%	69.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	50.0%	100.0%	91.0%	95.0%	88.0%	89.0%
Total Felony Cases Filed	522	538	1,254	823	1,359	1,067

<sup>a</sup> The FY2008 data excluded probation violations, Rule 32 petitions, appeals, extraditions, juvenile cases, mental health cases, and cases from the drug court.

The Public Defender’s Office reported that 89.0 percent of felony cases filed in FY2013 was adjudicated within 180 days of filing or appointment of attorney date (Table 50). The Office reported a decrease in the total number of felony cases filed from 1,359 in FY2012 to 1,067 in FY2013. The Legal Defender’s Office reported 81.0 percent of felony cases filed in FY2013 was adjudicated within 180 days of filing (Table 51). The Office also reported an increase in felony filings from 490 in FY2012 to 540 in FY2013. It is important to note that data from FY2012 includes cases with petitions to revoke probation.

<b>Table 51. Navajo County Legal Defender’s Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Adult Felony Cases with an Appointed Legal Defender through the Superior Court during FY2013 Including Petition to Revoke Probation Cases</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012<sup>a</sup></b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	71.0%	No Data Provided	65.0%	64.0%	67.0%	67.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	88.0%	No Data Provided	82.0%	79.0%	81.0%	81.0%
Total Felony Cases Filed	494	No Data Provided	399	335	490	540

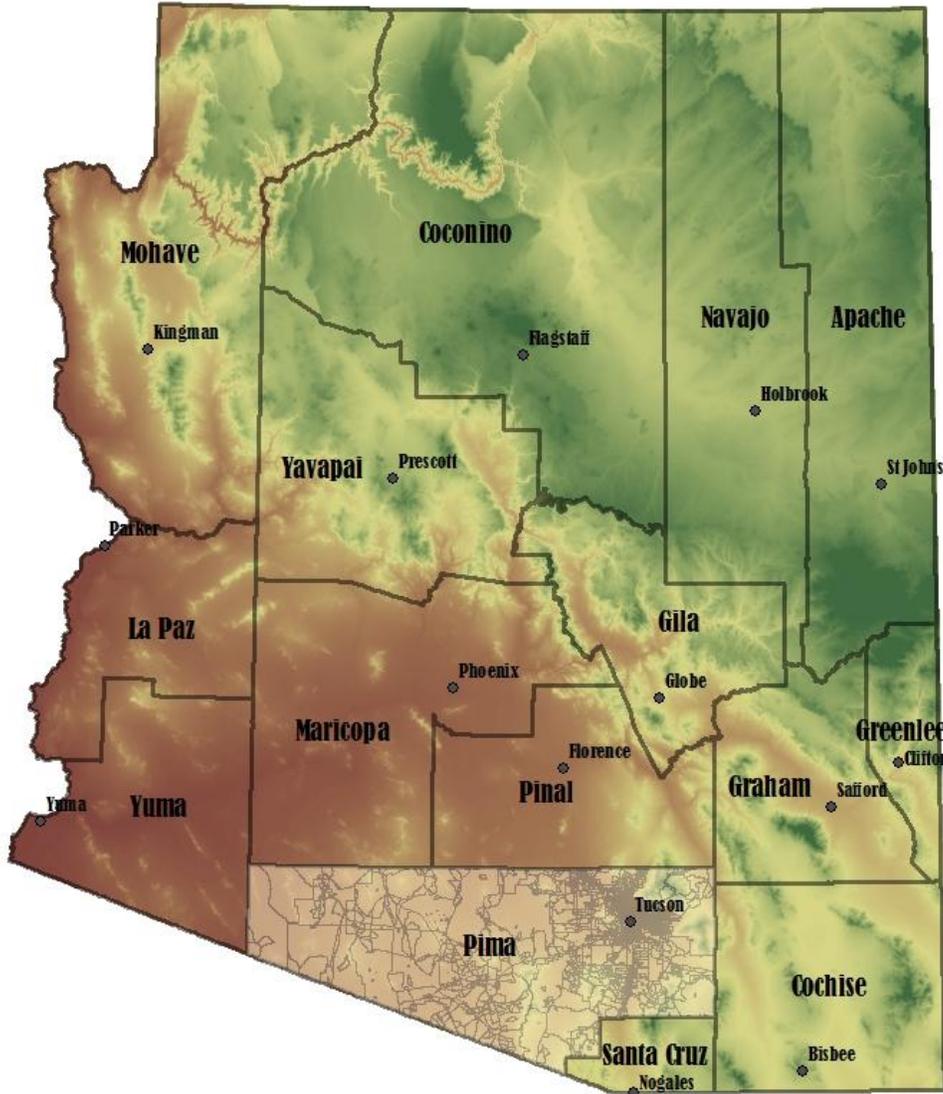
<sup>a</sup> The inclusion of petition to revoke probation cases took place in FY2012.

### Case Processing Statistics for Navajo County

Navajo County ACCH data reveals that felony case adjudications finalized within 180 days of filing increased overall from 34.3 percent in FY2008 to 42.2 percent in FY2013 (Table 52). Similarly, the number of arrest charges resulting in felony case adjudications decreased over the six-year period from 1,422 in FY2008 to a low of 737 in FY2013.

<b>Table 52. Navajo County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	262	217	238	249	248	211
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	14.8%	17.8%	16.5%	16.3%	16.0%	20.6%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	34.3%	42.6%	39.4%	35.1%	36.7%	42.2%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	1,422	1,433	1,202	973	787	737

# Pima County



<b>2012 ADOA Population Estimate:</b>	990,380
<b>Estimated Population Growth 2003-2012:</b>	10.3%
<b>Percent of Arizona Population:</b>	15.2%
<b>County Seat:</b>	Tucson

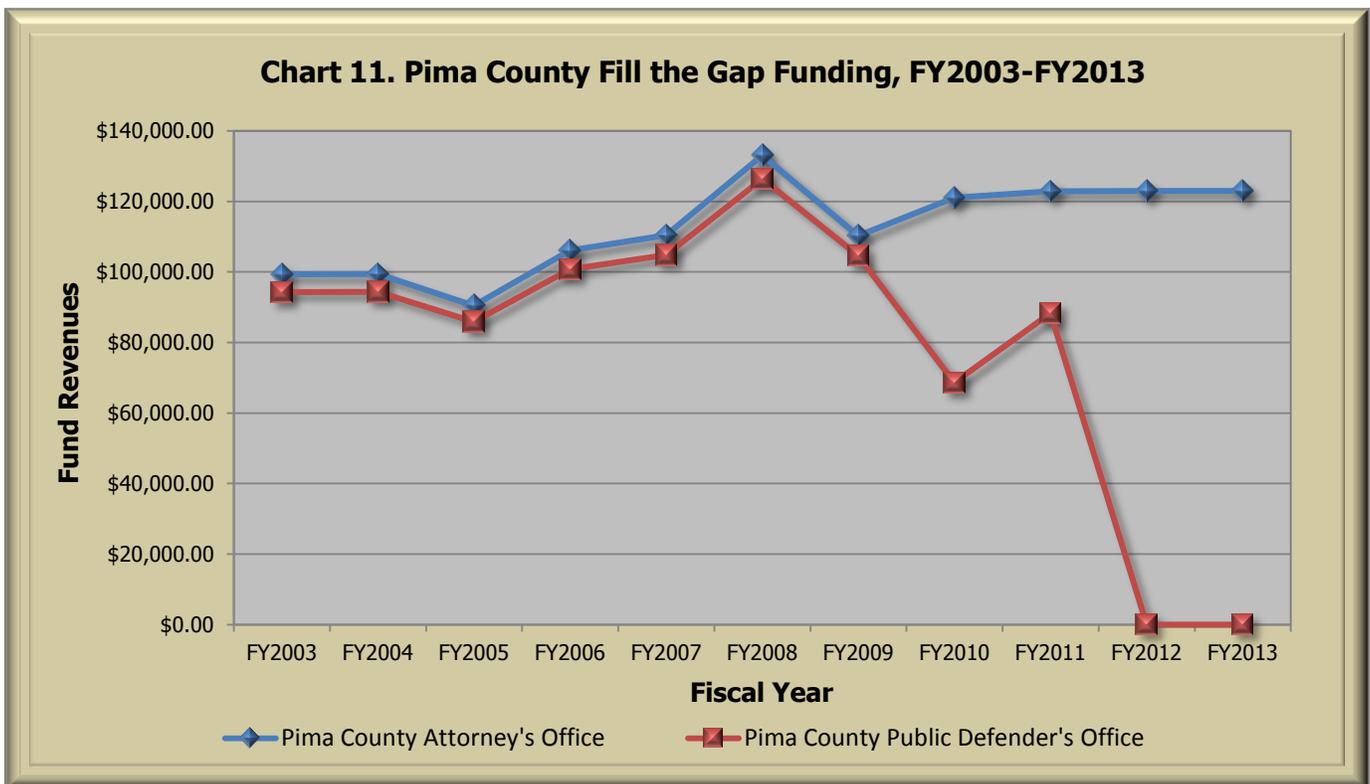
### State Fill the Gap Funding in Pima County

In FY2013, the Pima County Attorney's Office received a total of \$122,912.00 in State FTG funds. The Pima County Public Defender's Office did not receive FTG funds in FY2013. Fill the Gap funding did not change for the County Attorney's Office from FY2012 to FY2013.

	FY2012	FY2013	Difference
Pima County Attorney's Office	\$122,912	\$122,912	0.0%
Pima County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Pima County Attorney's Office	\$199,613.79	\$122,912.00	\$3,135.07	(\$217,531.23)	\$108,129.63
Pima County Public Defender's Office	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



## Pima County Attorney’s Office

In FY2013, the Pima County Attorney’s Office used FTG funds to partially support the salaries and benefits of two prosecutors, two paralegals, one legal secretary, and one legal processing support position. Fill the Gap funds were also allocated for attorney bar association dues, Microsoft Enterprise updates, a color printer, telephone supplies, Advanced Suite software, and office supplies. Staff supported by FTG funds managed caseloads by assessing which cases should move to trial and disposing of the non-trial cases. The legal assistants worked at preparing both non-trial and trial cases for the prosecutors. The agency identified high prosecutor turnover and increasing caseloads as barriers to improving case processing. The Office is also leading the Justice Partners group, which is focused on using technology and collaboration to share electronic files among criminal justice agencies.

The Pima County Attorney’s Office reported that 60.0 percent of felony cases filed in FY2013 was adjudicated within 180 days of filing or arraignment date (Table 55). The percentage of cases adjudicated within 180 days of filing in FY2013 was a decrease from the 64.0 percent reported in FY2012. Similarly, the percentage of cases adjudicated within 100 days decreased from 45.0 percent in FY2012 to 42.0 percent in FY2013. The total number of felony cases filed increased from 5,114 in FY2012 to 5,469 in FY2013.

<b>Table 55. Pima County Attorney’s Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Adjudicated</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	42.0%	45.0%	41.0%	37.0%	45.0%	42.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	75.0%	76.0%	74.0%	72.0%	64.0%	60.0%
Total Felony Cases Filed	5,765	5,993	5,312	4,401	5,114	5,469

<sup>a</sup> FY2008 cases excluded some Rule 8 and Rule 11 cases.

## Pima County Indigent Defense

The Pima County Public Defender’s Office did not receive FY2013 FTG funds and the agency reported a zero fund balance at the beginning of the fiscal year. The Office noted that since FTG funds are no longer available, they have left two staff positions vacant in order to pay the \$50,000 case management system maintenance fee. The agency’s information technology department participates in a county criminal justice group that meets to share information about current projects and to collaborate on automating data sharing across agencies.

The Pima County Public Defender’s Office reported that 71.0 percent of felony cases filed in FY2013 were adjudicated within 180 days of the filing date, which is a large increase from the 40.0 percent of cases reported in FY2012 (Table 56). The percentage of felony cases adjudicated within 100 days of filing also increased from 29.0 percent in FY2012 to 42.0 percent in FY2013. The agency also reported an increase in the total number of felony case filings from 4,944 in FY2012 to 5,469 in FY2013.

**Table 56. Pima County Public Defender’s Office Felony Case Processing Statistics  
FY2008-FY2013**

<i>Cases Included in FY2013 Statistics: All Felony Cases Adjudicated</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	42.0%	45.0%	41.0%	37.0%	29.0%	42.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.0%	76.0%	74.0%	72.0%	40.0%	71.0%
Total Felony Cases Filed	5,634	5,993	5,312	4,783	4,944	5,469

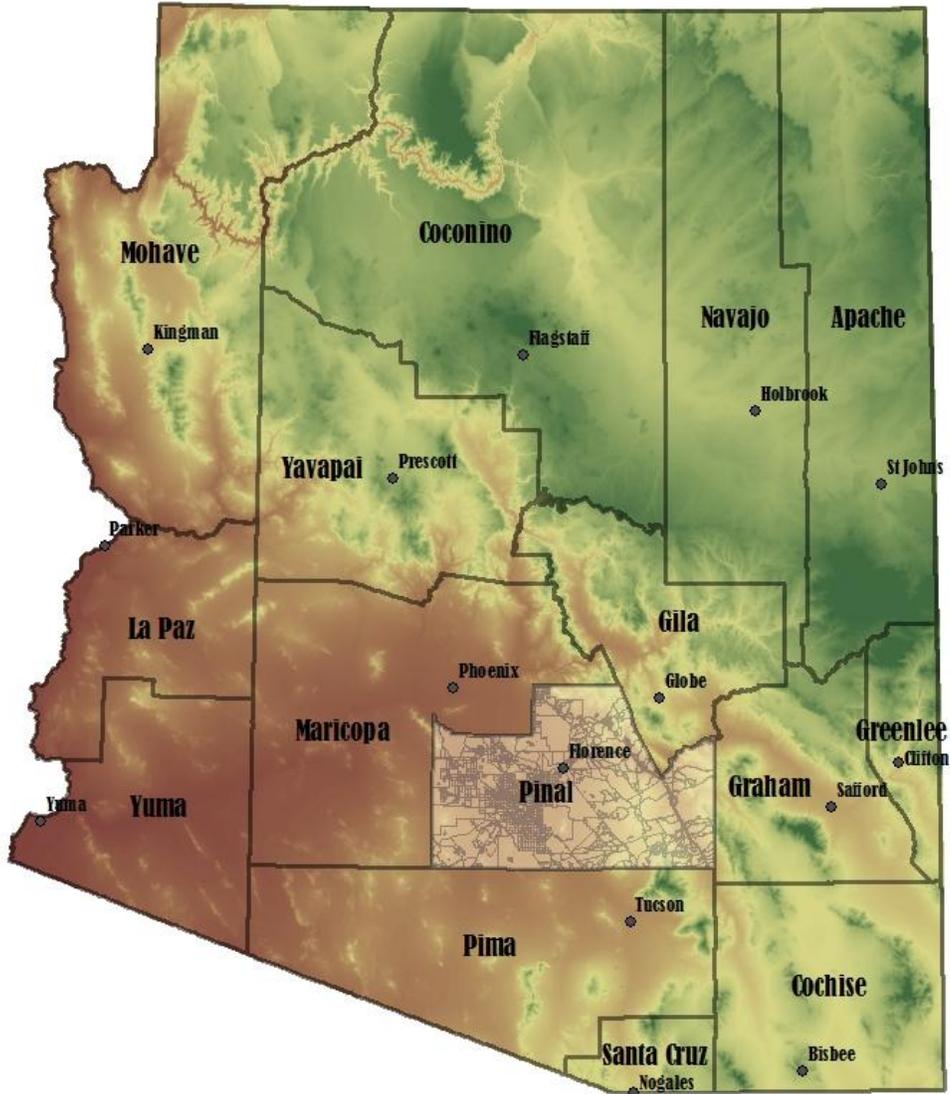
**Case Processing Statistics for Pima County**

According to ACCH data, the percentage of felony case adjudications in Pima County finalized within 180 days of the arrest date decreased steadily from 52.9 percent in FY2008 to 42.5 percent in FY2013 (Table 57). The total number of arrest charges resulting in felony adjudications reached a high of 15,519 in FY2013.

**Table 57. Pima County Felony Case Processing Statistics from the  
Arizona Computerized Criminal History (ACCH) System  
FY2008-2013**

<i>Cases Included in Analysis: All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	170	172	174	181	201	211
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	19.6%	17.9%	16.5%	14.3%	12.5%	14.9%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	52.9%	52.5%	51.6%	49.9%	44.5%	42.5%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	11,285	11,830	12,095	11,657	13,368	15,519

# Pinal County



<b>2012 ADOA Population Estimate:</b>	389,192
<b>Estimated Population Growth 2003-2012:</b>	90.7%
<b>Percent of Arizona Population:</b>	6.0%
<b>County Seat:</b>	Florence

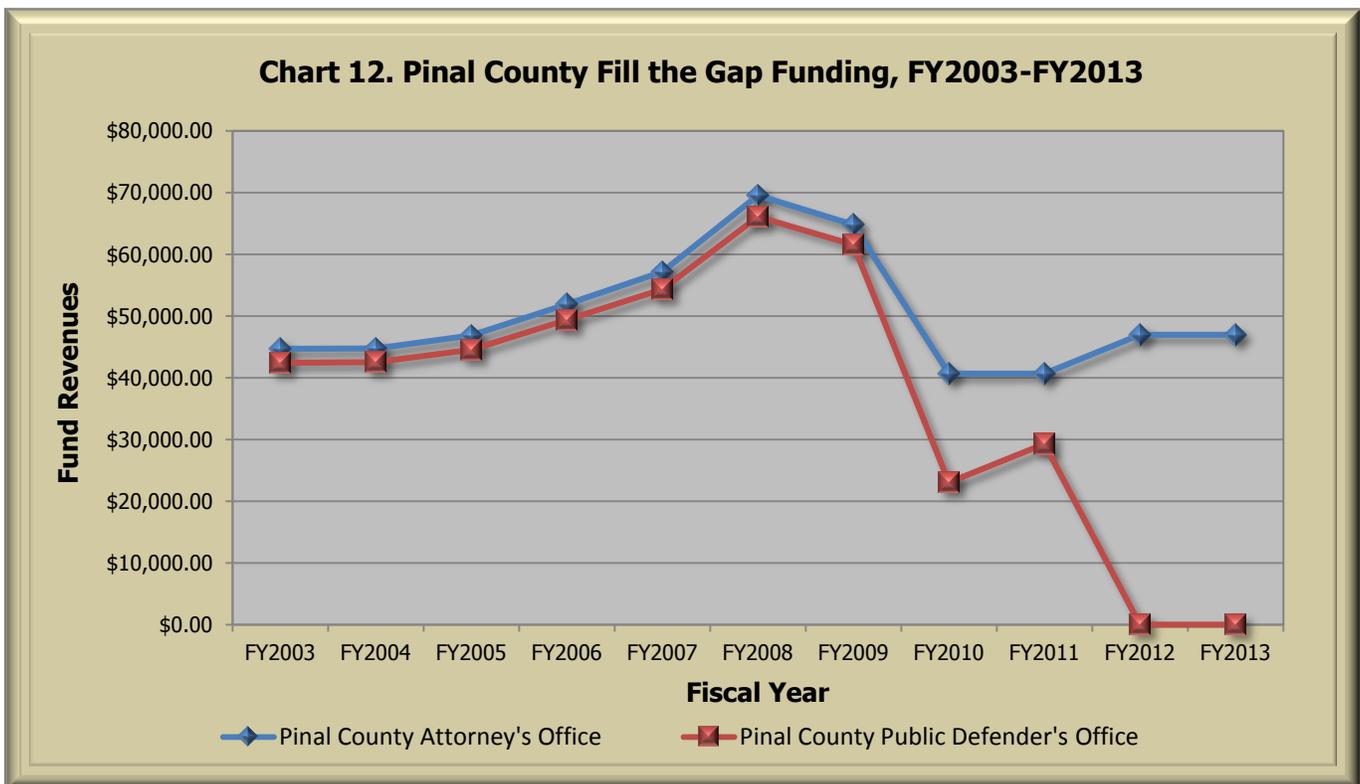
### State Fill the Gap Funding in Pinal County

In FY2013, the Pinal County Attorney’s Office received a total of \$46,982.00 in State FTG funds. The Pinal County Public Defender’s Office did not receive FTG funds in FY2013. From FY2012 to FY2013, FTG funding for the County Attorney’s Office stayed level.

	FY2012	FY2013	Difference
Pinal County Attorney’s Office	\$46,982	\$46,982	0.0%
Pinal County Public Defender’s Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Pinal County Attorney’s Office	\$0.00	\$46,982.00	\$193.68	(\$47,175.68)	\$0.00
Pinal County Public Defender’s Office	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



### Pinal County Attorney's Office

In FY2013, the Pinal County Attorney's Office spent FTG funds on the salary and fringe benefits for one legal secretary position. The Office filled this position to support cases processed by the Special Victim's Bureau. The position has reportedly improved case processing efficiencies within the Bureau. The agency also noted that case processing has improved due to collaborative efforts with law enforcement agencies that led to the agency's restructuring of its prosecutorial system.

The Pinal County Attorney's Office reported that 61.0 percent of felony cases filed in FY2013 were adjudicated within 180 days of the filing date, a decrease from the 70.0 percent reported in FY2012 (Table 60). The percentage of felony cases adjudicated within 100 days of filing decreased from 54.0 percent in FY2012 to 46.0 percent in FY2013. The total number of felony cases filed also decreased from 2,473 in FY2012 to 2,013 in FY2013.

<b>Table 60. Pinal County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Adjudicated in FY2013</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	20.0%	18.0%	36.0%	52.0%	54.0%	46.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	55.0%	31.0%	57.0%	68.0%	70.0%	61.0%
Total Felony Cases Filed	2,272	1,606	1,915	2,469	2,473	2,013

### Pinal County Indigent Defense

The Pinal County Public Defender's Office did not receive FTG funds in FY2013 and the agency did not carry over FTG funds from FY2012. The Office noted that if funds were made available, the funds would help support attorney and staff positions in an effort to improve case processing.

<b>Table 61. Pinal County Public Defender's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: All Felony Adult Cases with an Appointed Public Defender</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	40.3%	34.0%	68.0%	69.2%	75.4%	46.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	58.1%	69.0%	86.0%	86.0%	84.4%	61.0%
Total Felony Cases Filed	2,316	1,990	2,426	3,511	2,768	2,013

<sup>a</sup> FY2008 cases excluded appeals, mental health cases, diversion cases, probation violations, and extraditions.

The public defender's office reported a decrease in the percentage of felony cases that were adjudicated within 180 days of filing, or appointment of an attorney, from 84.4 percent in FY2012 to 61.0 percent in FY2013 (Table 61). The agency also reported a decrease in the

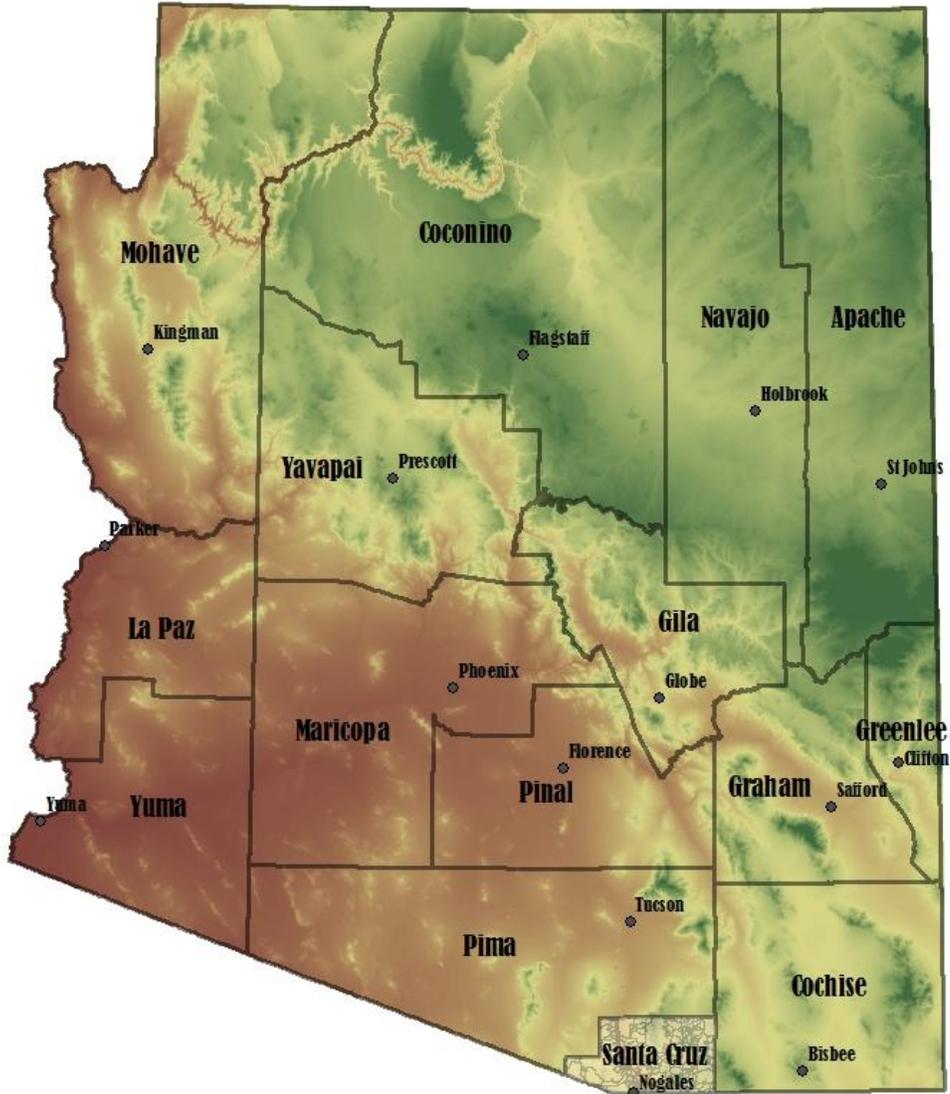
percentage of cases adjudicated within 100 days from 75.4 percent in FY2012 to 46.0 percent in FY2013. The total number of felony cases filed was reported to have decreased as well from 2,768 in FY2012 to 2,013 in FY2013.

### Case Processing Statistics for Pinal County

Data for Pinal County from the ACCH indicates that the percentage of felony charges adjudicated within 180 days has increased over time from 42.6 percent in FY2008 to 62.7 percent in FY2013 (Table 62). The total number of arrest charges resulting in felony adjudication has consistently dropped since FY2010 to a low of 1,682 in FY2013.

<b>Table 62. Pinal County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	202	195	172	184	153	108
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	14.7%	15.1%	18.5%	21.3%	34.6%	48.6%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	42.6%	45.8%	52.5%	48.9%	59.1%	62.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,526	2,625	3,044	2,934	2,251	1,682

# Santa Cruz County



<b>2012 ADOA Population Estimate:</b>	48,724
<b>Estimated Population Growth 2003-2012:</b>	20.2%
<b>Percent of Arizona Population:</b>	0.7%
<b>County Seat:</b>	Nogales

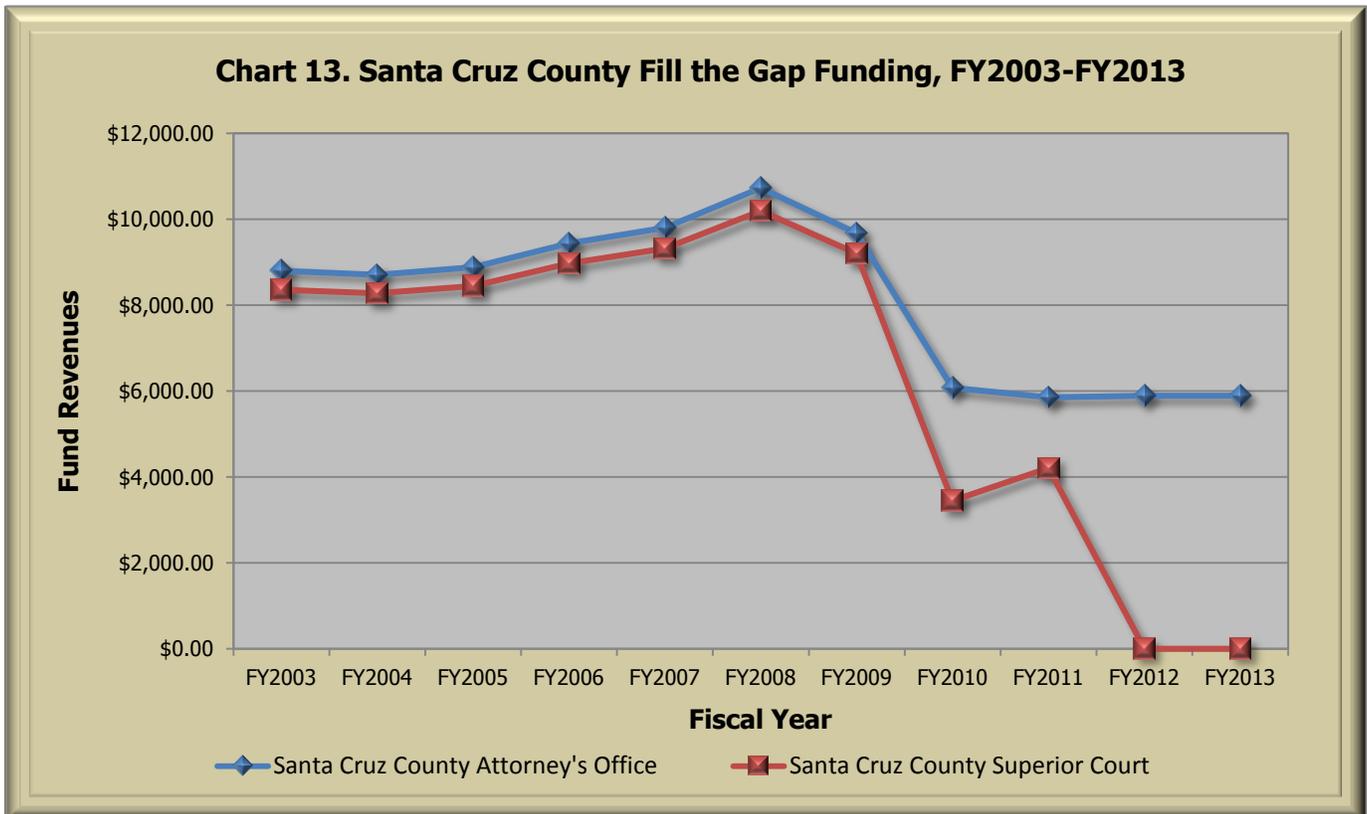
### State Fill the Gap Funding in Santa Cruz County

In FY2013, the Santa Cruz County Attorney’s Office received a total of \$5,887.00 in State FTG funds. The Santa Cruz County Superior Court did not receive FTG funds in FY2013. There was no change in FTG funding for the County Attorney’s Office from FY2012 to FY2013.

	FY2012	FY2013	Difference
Santa Cruz County Attorney’s Office	\$5,887	\$5,887	0.0%
Santa Cruz County Superior Court <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Santa Cruz County Attorney’s Office	\$8,727.35	\$5,887.00	\$0.00	(\$4,048.40)	\$10,565.95
Santa Cruz County Superior Court	\$6,408.00	\$0.00	\$73.00	\$0.00	\$6,481.00



### Santa Cruz County Attorney's Office

In FY2013, the Santa Cruz County Attorney's Office used a portion of FTG funds to partially support one temporary office assistant position. The partially-funded assistant opens all new cases and monitors cases requiring follow up when charges are pending. Temporary positions enabled permanent county attorney staff to focus on preparing documents for criminal cases. Future FTG funds will continue to support positions such as the temporary office assistant position.

The County Attorney's Office continues to experience complications with collecting the requested case processing statistics (Table 65).

<b>Table 65. Santa Cruz County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided					
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided					
Total Felony Cases Filed	No Data Provided					

### Santa Cruz County Indigent Defense

The Santa Cruz County Superior Court did not receive FY2013 State FTG funds, but the agency carried over a \$6,408.00 FTG fund balance from FY2012. Although funds were available in FY2013, the Court did not report expenditures during the fiscal year. The carried over funds, along with any funds made available in future years, will be used to improve the processing of documents at the Superior Court Clerk's Office. Presently, court administrators are collaborating with local stakeholders to collect their opinions and concerns regarding case processing. A number of stakeholders will be compiling the findings and assembling a strategy to address the issues.

<b>Table 66. Santa Cruz County Superior Court Felony Case Processing Statistics FY2008-FY2013</b>						
<b>Cases Included in FY2013 Statistics: All Felony Cases Adjudicated</b>						
	<b>FY2008</b>	<b>FY2009<sup>a</sup></b>	<b>FY2010<sup>a</sup></b>	<b>FY2011<sup>a</sup></b>	<b>FY2012<sup>a</sup></b>	<b>FY2013<sup>a</sup></b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	38.0%	No Data Provided	24.0%	21.0%	23.0%	25.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	69.6%	No Data Provided	42.0%	37.0%	39.0%	45.0%
Total Felony Cases Filed	297	311	309	199	217	270

<sup>a</sup> Felony cases include all cases filed at the superior court whether indigent defense counsel has been assigned or not.

The Superior Court reported an increase in felony case filings completed within 180 days from 39.0 percent in FY2012 to 45.0 percent in FY2013 (Table 66). The percentage adjudicated

within 100 days also increased from 23.0 percent in FY2012 to 25.0 percent in FY2013. The Court reported a total of 270 felony cases filed in FY2013, an increase of 24.4 percent from FY2012.

### Case Processing Statistics for Santa Cruz County

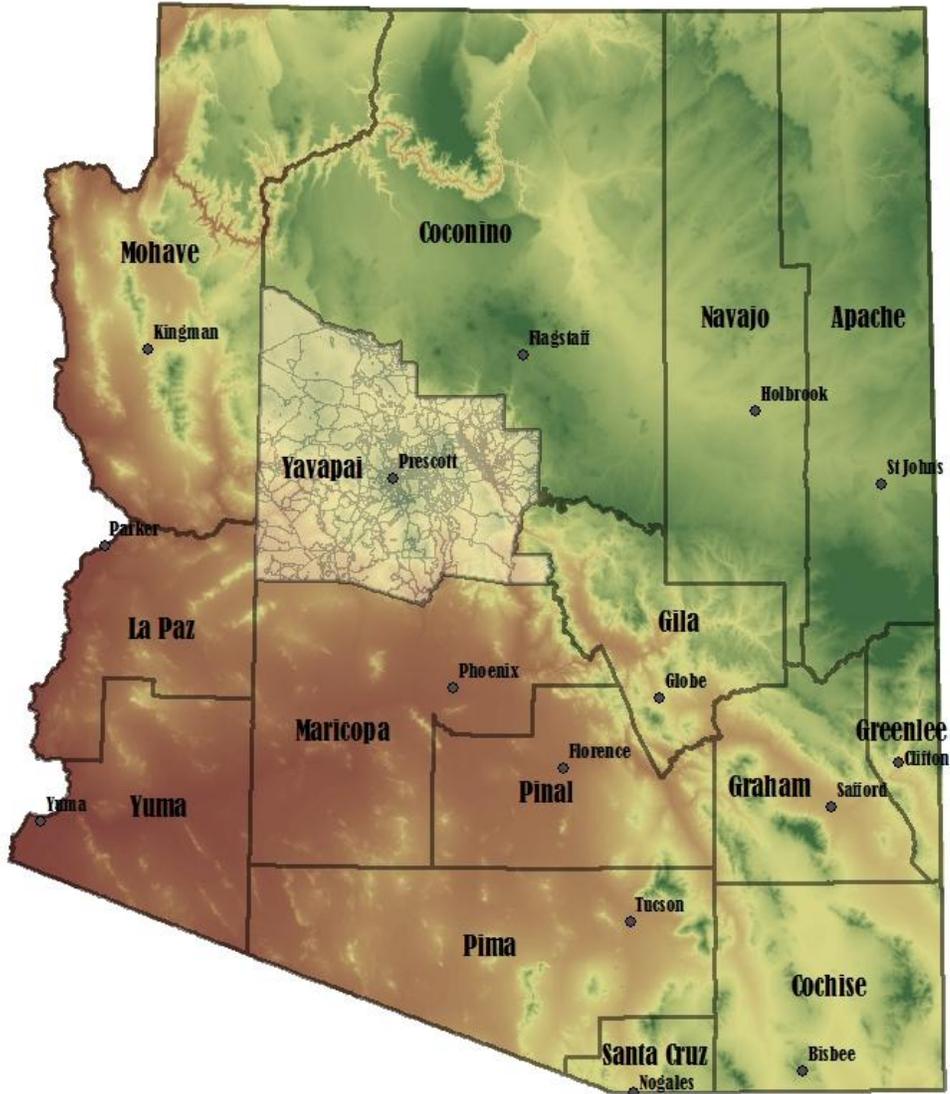
Data from the ACCH shows that the percentage of felony case adjudications finalized within 180 days fluctuated, but decreased overall, from 48.8 percent in FY2008 to 41.7 percent in FY2013 (Table 67). The total number of arrest charges resulting in felony case adjudication during the fiscal year also dropped during this time from 793 in FY2008 to 606 in FY2013.

**Table 67. Santa Cruz County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	186	166	178	237	224	215
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	26.1%	27.3%	22.4%	20.5%	21.2%	22.3%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	48.8%	54.2%	50.3%	38.0%	42.4%	41.7%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	793	640	767	503	420	606

# Yavapai County



<b>2012 ADOA Population Estimate:</b>	211,583
<b>Estimated Population Growth 2003-2012:</b>	15.9%
<b>Percent of Arizona Population:</b>	3.3%
<b>County Seat:</b>	Prescott

### State Fill the Gap Funding in Yavapai County

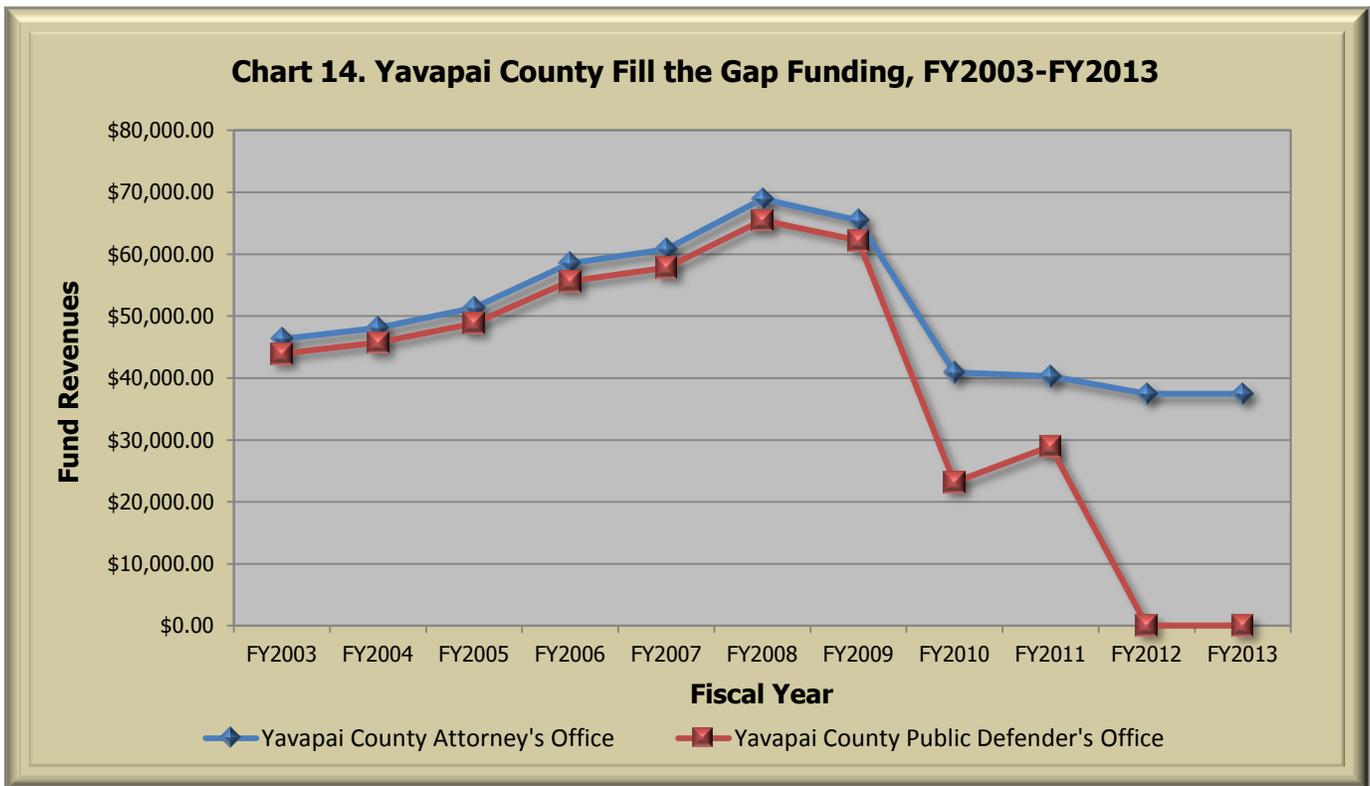
In FY2013, the Yavapai County Attorney’s Office received a total of \$37,419.00 in State FTG funds. The Yavapai County Public Defender’s Office did not receive FTG funds in FY2013. FY2013 FTG funding for the County Attorney’s Office did not differ from the FY2012 level.

	FY2012	FY2013	Difference
Yavapai County Attorney’s Office	\$37,419	\$37,419	0.0%
Yavapai County Public Defender’s Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Yavapai County Attorney’s Office	\$5,420.00	\$37,419.00	\$97.00	(\$42,936.00)	\$0.00
Yavapai County Public Defender’s Office <sup>a</sup>	\$257,636.53	\$0.00	\$ -	(\$19,924.94)	\$237,711.59

<sup>a</sup> The Yavapai County Public Defender was unable to report ACJC-specific State Fill the Gap Funds. Reported totals include additional funding sources, and the agency was unable to report the total amount of interest earned, if any. The ending balance is absent the total of \$79,962.66 in allocations from other Fill the Gap fund sources.



## Yavapai County Attorney’s Office

During FY2013, the Yavapai County Attorney’s Office used FTG funds to support 40 percent of the cost of an attorney position. Fill the Gap funds continued to support involvement in the Early Disposition Court, which is also supported by the superior court, indigent defense, and probation services. The Early Disposition Court focuses on expediting felony cases through the court process and reducing caseloads for attorneys working cases that require more traditional case processing. The same stakeholders involved with the Early Disposition Court also collaborate with the Criminal Justice Coordinating Committee to identify potential efficiencies in case processing.

The Yavapai County Court Administration Office is unable to provide case processing statistics as a result of a new case management system implemented in September 2009. The County Attorney’s Office was able to report that 1,783 felony cases were filed during FY2013, a decrease of 9.9 percent from the total reported in FY2012.

<b>Table 70. Yavapai County Attorney’s Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Filed during FY2013</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	No Data Provided	69.0%	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Percent of Felony Cases Adjudicated within 180 Days of Filing	No Data Provided	84.0%	No Data Provided	No Data Provided	No Data Provided	No Data Provided
Total Felony Cases Filed	2,914	2,453	2,105	1,837	1,980	1,783

<sup>a</sup> FY2008 cases excluded appeals and technical violations.

## Yavapai County Indigent Defense

In FY2013, the Yavapai County Public Defender’s Office did not receive State FTG funds. The agency was unable to report ACJC-specific FTG fund balances and expenditures for FY2013, thus the Office reported totals for all FTG-related fund sources, as noted in Table 69. The agency reported a beginning FY2013 balance of \$257,636.53, and it is unclear as to the amount of available funds originating from prior State FTG allocations. The agency used a portion of the available funds to support a part-time records clerk position and the partial salaries and benefits of a Criminal Trial Division Chief and an administrative assistant. The Office acknowledged that minimal funding is provided for indigent defense, leading to limited staff and complications with case processing. At the close of FY2013, the courts began working with stakeholders to discuss ways of improving case processing within the county. The agency’s FTG ending balance was \$237,711.59, after subtracting \$79,962.66 in allocated funds from other FTG sources.

The Yavapai County Public Defender’s Office reported that approximately 85.0 percent of all calendar year (CY) 2012 felony case filings were adjudicated within 180 days of filing (Table 71). The Office reported that 66.0 percent of felony cases were adjudicated within 100 days. The total number of felony case filings in CY2012 was 2,090. Unfortunately, data was captured for CY2012 rather than during the current fiscal year, and as a result, comparisons to prior fiscal years’ data are discouraged.

**Table 71. Yavapai County Public Defender's Office Felony Case Processing Statistics  
FY2008-FY2013**

**Cases Included in CY2012 Statistics:** Felony Cases Excluding Capital Murder, Bench Warrant, and Rule 11 Restoration Cases

	FY2008 <sup>a</sup>	FY2009 <sup>b</sup>	FY2010 <sup>c</sup>	FY2011 <sup>d</sup>	FY2012 <sup>d</sup>	CY2012 <sup>e</sup>
Percent of Felony Cases Adjudicated within 100 Days of Filing	68.0%	69.0%	64.1%	61.7%	65.0%	66.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	85.0%	84.0%	79.9%	76.7%	81.3%	85.0%
Total Felony Cases Filed	2,647	2,686	2,510	2,245	2,321	2,090

<sup>a</sup> FY2008 cases excluded appeals, warrants, and probation violations.

<sup>b</sup> FY2009 cases included all felony cases.

<sup>c</sup> Data were provided by the Yavapai County Public Defender's Office in FY2010. Data from prior fiscal years were submitted by the Administrative Office of the Courts.

<sup>d</sup> FY2011 and FY2012 cases excluded capital murder, bench warrant, Rule 11, and probation violation cases.

<sup>e</sup> CY2012 cases were for calendar year 2012.

### Case Processing Statistics for Yavapai County

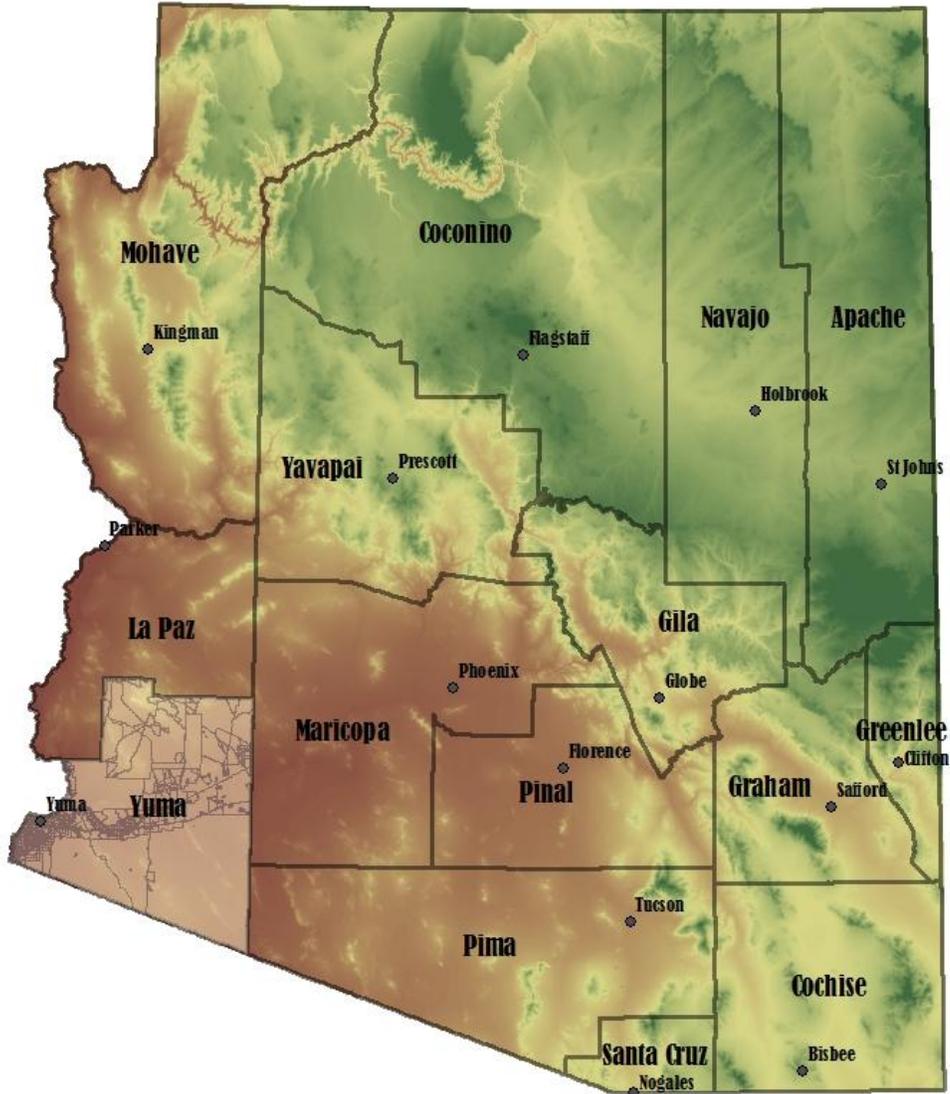
Criminal history data for Yavapai County reveals that felony case adjudications finalized within 180 days of filing fluctuated during the time period examined, but fell overall from 63.1 percent in FY2008 to 56.5 percent in FY2013 (Table 72). Similarly, the percentage of cases that were adjudicated within 100 days of filing increased through much of the time period before falling to 35.5 percent in FY2013. The total number of arrest charges in the ACCH resulting in adjudication varied widely during the time period examined but fell slightly overall from 4,690 in FY2008 to 4,605 in FY2013.

**Table 72. Yavapai County Felony Case Processing Statistics from the  
Arizona Computerized Criminal History (ACCH) System  
FY2008-2013**

**Cases Included in Analysis:** All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.

	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	133	108	123	121	132	155
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	40.5%	46.8%	43.5%	43.5%	40.5%	35.5%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	63.1%	67.3%	63.0%	67.1%	64.2%	56.5%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	4,690	5,321	3,817	3,496	3,825	4,605

# Yuma County



<b>2012 ADOA Population Estimate:</b>	205,174
<b>Estimated Population Growth 2003-2012:</b>	19.3%
<b>Percent of Arizona Population:</b>	3.2%
<b>County Seat:</b>	Yuma

### State Fill the Gap Funding in Yuma County

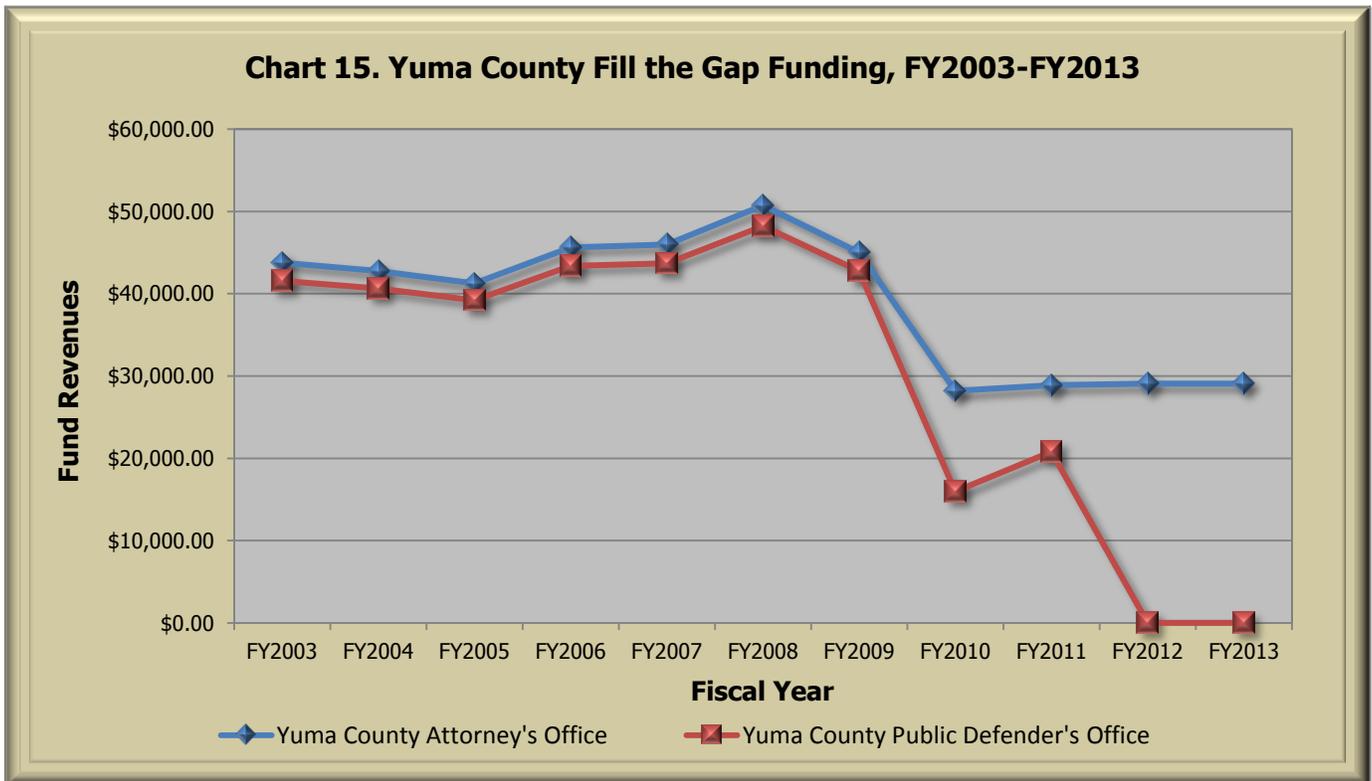
In FY2013, the Yuma County Attorney's Office received a total of \$29,086.00 in State FTG funds. The Yuma County Public Defender's Office did not receive FTG funds in FY2013. Fill the Gap funding for the County Attorney's Office was unchanged from FY2012 to FY2013.

<b>Table 73. Yuma County Fill the Gap State Allocations FY2012 – FY2013</b>			
	FY2012	FY2013	Difference
Yuma County Attorney's Office	\$29,086	\$29,086	0.0%
Yuma County Public Defender's Office <sup>a</sup>	\$0	\$0	0.0%

<sup>a</sup> Fill the Gap funding was not allocated for indigent defense services in FY2012 and FY2013.

<b>Table 74. Yuma County Balances and Expenditures of Fill the Gap State Funds FY2013</b>					
	Beginning Balance	Fund Allocations	Interest Earned	Fund Expenditures	Ending Balance
Yuma County Attorney's Office	\$0.00	\$29,086.00	\$ - <sup>a</sup>	(\$29,086.00)	\$0.00
Yuma County Public Defender's Office	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<sup>a</sup> A total of \$45.00 reported in combined interest earned between the State Aid to County Attorneys Fund and the State Aid to the Courts Fund. All interest allocated to the State Aid to County Attorneys Fund was spent in FY2013.



### Yuma County Attorney's Office

The Yuma County Attorney's Office directed FY2013 FTG funds toward the salary of an investigator. The additional staff position helped the office maintain its case disclosure requirements and timely case processing.

The County Attorney's Office reported that 66.0 percent of felony cases filed in FY2013 were adjudicated within 180 days of filing, a small decrease from the 67.0 percent reported in FY2012 (Table 75). In contrast, the percentage of felony cases adjudicated within 100 days of filing increased from 26.0 percent in FY2012 to 27.0 percent in FY2013. A total of 1,355 felony cases were filed during FY2012, which was substantially lower than the 1,903 reported in FY2013.

<b>Table 75. Yuma County Attorney's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: Felony Cases Filed in FY2013 Except Probation Violations, Juvenile Cases, and Extraditions</i>						
	<b>FY2008<sup>a</sup></b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	39.0%	29.0%	30.0%	27.0%	26.0%	27.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	76.0%	72.0%	68.0%	70.0%	67.0%	66.0%
Total Felony Cases Filed	1,815	1,838	1,701	1,691	1,355	1,903

<sup>a</sup> FY2008 cases excluded appeals, warrants, extraditions, juvenile cases, and probation violations.

### Yuma County Indigent Defense

During FY2013, the Yuma County Public Defender's Office did not receive FTG funds, and the agency reported an initial FTG balance of \$0.00.

The Yuma County Public Defender's Office reported that 67.0 percent of felony cases filed in FY2012 were adjudicated within 180 days of filing, an increase from the 65.0 percent in FY2012 (Table 76). The percentage of felony cases adjudicated within 100 days of filing also increased from 28.0 percent in FY2012 to 35.0 percent in FY2013. The agency reported a total of 920 felony cases filed during FY2013, a decrease from the 958 reported in FY2012.

<b>Table 76. Yuma County Public Defender's Office Felony Case Processing Statistics FY2008-FY2013</b>						
<i>Cases Included in FY2013 Statistics: All Felony Cases</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Percent of Felony Cases Adjudicated within 100 Days of Filing	51.0%	26.0%	38.0%	29.0%	28.0%	35.0%
Percent of Felony Cases Adjudicated within 180 Days of Filing	72.0%	55.0%	73.0%	69.0%	65.0%	67.0%
Total Felony Cases Filed	693	971	940	908	958	920

### Case Processing Statistics for Yuma County

Data for Yuma County from the ACCH indicates that the percentage of felony charges adjudicated within 180 days decreased from 61.9 percent in FY2008 to 55.2 percent in FY2013 (Table 77). The total number of arrest charges resulting in felony adjudications dropped significantly from 2,567 in FY2008 to 504 in FY2013.

<b>Table 77. Yuma County Felony Case Processing Statistics from the Arizona Computerized Criminal History (ACCH) System FY2008-2013</b>						
<i><b>Cases Included in Analysis:</b> All arrest counts leading to disposed felony charges (excluding first-degree homicides) during the fiscal year and resulting in guilty verdicts, nolo contendere pleas, pleas to other felony charges, deferred sentencing, deferred prosecution, acquittals, court dismissals, and findings of no responsibility by reason of insanity.</i>						
	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
Median Number of Days from Arrest (per Count) to Felony Case Adjudication for Finalized Cases in the ACCH	149	172	183	182	173	166
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 100 Days	22.6%	16.3%	14.3%	13.1%	12.7%	17.7%
Percent of Adjudicated Felony Cases (by Arrest Count) Finalized within 180 Days	61.9%	52.9%	49.0%	49.7%	53.1%	55.2%
Total Number of Arrest Counts Resulting in Felony Case Adjudication in the ACCH	2,567	2,527	3,015	2,886	2,639	504

## CONCLUSION AND RECOMMENDATIONS

ACJC funding for the FY2013 State FTG Program continued at FY2012 levels for the county attorney recipients while indigent defense agencies received no FTG funds. In FY2013, the portion of fine revenue allocated to indigent defense agencies was not appropriated to the agencies by the Arizona Legislature and was left unspent in the fund account during FY2013. County attorneys received a total of \$973,600.00 in fine revenue during FY2013.

At the present time, county attorney and indigent defense agencies have yet to meet the case processing standards set forth by the Arizona Supreme Court. According to the self-reported statistics, the agencies reporting case processing data are below the standard of completing all felony cases (excluding complex cases and cases seeking the death penalty) within 180 days of filing. Agencies have reported the following events as negatively affecting case processing: reductions in FTG funding and other local funds, increased volume of felony cases leading to increased caseloads, shortcomings of case management systems, excessive delays and continuances in cases, and limited staffing due to reduced budgets and high employee turnover (all of the issues affecting case processing are outlined in Appendix C).

### *ACCH Data*

To complement the case processing data submitted by FTG funded agencies, SAC researchers analyzed data from the Arizona Computerized Criminal History (ACCH) records system to provide standardized measures of case processing by county. Because the filing date is not recorded in the ACCH records, the date of arrest was used as a proxy for filing date. The ACCH data in this report included all arrest charges leading to a felony case disposition (with the exception of first degree homicide cases) from fiscal years FY2008 to FY2013 that resulted in a guilty verdict, nolo contendere plea, plea to other charges, deferred sentencing, deferred prosecution, acquittal, court dismissal, or a finding of no responsibility by reason of insanity. All charges later resolved in appellate court were excluded from the analysis. In addition, information on felony case delays and court continuance times are not available in the ACCH data, thus these timeframes could not be excluded from the ACCH case processing measures. Nonetheless, the same data methodology was used across all counties to allow for comparability.

The percentage of arrest counts leading to felony dispositions within 180 days of the arrest date fell from 48.8 percent in FY2012 to 44.9 percent in FY2013 statewide. Similarly, the percentage of felony charges adjudicated within 100 days fell from 22.1 percent to 21.9 percent from FY2012 to FY2013, respectively. A total of 76,510 and 79,580 felony charges were disposed of in Arizona during FY2012 and FY2013, respectively. At the county level, the ACCH data revealed significant variation in the percentages of arrest charges for which final case disposition was obtained within 180 days. Four counties showed improvement in felony case processing times in the ACCH while the remaining counties showed no change or decreases in case processing times from FY2012 to FY2013.

ACCH data is distinct from data provided by the agencies because ACCH data begins the timeline on the arrest date instead of the filing date, the data does not exclude certain timeframes (i.e. warrant status, diversion, etc.), and the data includes complex cases. Many agencies excluded these timeframes and cases from their data.

*ACJC Recommendations*

To move forward with improving case processing times and documenting progress made, several recommendations are suggested by ACJC:

- Guidelines should be created detailing appropriate expenditures for State FTG funds with an emphasis on activities that have a direct impact on case processing times. Currently, there are no guidelines outlining appropriate FTG fund expenditures.
- Future funding levels should remain consistent with the levels established prior to FY2009 by reinstating the general fund contribution and the indigent defense fine revenue allotment of State FTG funds. The reinstatement of general fund appropriations and the elimination of fine revenue sweeps for county prosecuting and indigent defense agencies will ensure a renewed investment in improving case processing.
- Each agency should develop long-term strategic plans to reduce case processing times. Such plans should include coordination with other agencies using FTG funds, rather than using funds to fill the immediate needs of each agency.
- Each county should have the capacity to report consistent and comparable case processing statistics. If this information is not readily available from the courts, case management system capabilities must be implemented at the agency level so that case processing statistics can be easily provided. Agencies within each county should make a collaborative effort to standardize definitions and data processing within their respective case management systems.
- Counties that have not reported progress in improving case processing times should learn from successes reported by other counties. Coordination among agencies within the county is also advantageous in identifying current gaps in case processing as well as resources available across agencies.

**APPENDIX A: Arizona Fill the Gap Balances, Revenues and Expenditures**

County attorneys received an FY2013 Fill the Gap program total of \$973,600.00 (Table 78).

**Table 78. State Aid to County Attorney Fill the Gap Balance Detail  
FY2013**

	<b>Beginning Balance</b>	<b>Fund Fine Revenue</b>	<b>Interest Earned</b>	<b>Fund Expenditures</b>	<b>Ending Balance</b>
Apache County Attorney	\$4,556.19	\$7,596.00	\$30.67	(\$12,182.86)	\$0.00
Cochise County Attorney	\$0.00	\$16,294.00	\$209.01	(\$16,503.01)	\$0.00
Coconino County Attorney	\$0.00	\$18,562.00	\$0.00	(\$18,562.00)	\$0.00
Gila County Attorney	\$49,111.91	\$9,941.00	\$226.46	(\$4,014.19)	\$55,265.18
Graham County Attorney	\$13,759.06	\$7,179.00	\$46.94	(\$4,256.04)	\$16,728.96 <sup>a</sup>
Greenlee County Attorney	\$0.00	\$1,366.00	\$0.00	(\$1,366.00)	\$0.00
La Paz County Attorney	\$17,757.49	\$4,335.00	\$66.51	\$0.00	\$22,159.00
Maricopa County Attorney	\$1,740,560.09	\$621,285.00	\$718.00	(\$722,632.41)	\$1,639,930.68
Mohave County Attorney	\$0.00	\$27,510.00	\$0.00	(\$27,510.00)	\$0.00
Navajo County Attorney	\$25,957.03	\$17,246.00	\$145.85	(\$10,489.98)	\$32,858.90
Pima County Attorney	\$199,613.79	\$122,912.00	\$3,135.07	(\$217,531.23)	\$108,129.63
Pinal County Attorney	\$0.00	\$46,982.00	\$193.68	(\$47,175.68)	\$0.00
Santa Cruz County Attorney	\$8,727.35	\$5,887.00	\$0.00	(\$4,048.40)	\$10,565.95
Yavapai County Attorney	\$5,420.00	\$37,419.00	\$97.00	(\$42,936.00)	\$0.00
Yuma County Attorney	\$0.00	\$29,086.00	\$ - <sup>b</sup>	(\$29,086.00)	\$0.00
<b>County Attorney Total</b>	<b>\$2,065,462.91</b>	<b>\$973,600.00</b>	<b>\$4,869.19</b>	<b>(\$1,158,293.80)</b>	<b>\$1,885,638.30</b>

<sup>a</sup> A total of \$485.51 of the ending balance accounts for fund encumbrances.

<sup>b</sup> A total of \$45.00 reported in combined interest earned between the State Aid to County Attorneys Fund and the State Aid to the Courts Fund. Any interest allocated to the State Aid to County Attorneys Fund was spent in FY2013.

State Fill the Gap fund expenditures for FY2013 are provided by county attorney (Table 79).

**Table 79. State Aid to County Attorney Fill the Gap Expenditures by County  
FY2013**

	<b>Salary/Fringe/Overtime</b>	<b>Equipment Purchases</b>	<b>Contractual Services</b>	<b>Case Management Software</b>	<b>Travel</b>	<b>Other (Operating/Supplies)</b>	<b>Total Expended</b>
Apache	\$12,182.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,182.86
Cochise	\$16,503.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,503.01
Coconino	\$18,562.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,562.00
Gila	\$0.00	\$0.00	\$0.00	\$1,764.19	\$0.00	\$2,250.00	\$4,014.19
Graham	\$0.00	\$3,012.07	\$0.00	\$1,243.97	\$0.00	\$0.00	\$4,256.04
Greenlee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,366.00	\$1,366.00
La Paz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Maricopa	\$722,632.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$722,632.41
Mohave	\$23,557.73	\$0.00	\$0.00	\$0.00	\$0.00	\$3,952.27	\$27,510.00
Navajo	\$4.91	\$10,485.07	\$0.00	\$0.00	\$0.00	\$0.00	\$10,489.98
Pima	\$187,071.89	\$2,954.70	\$0.00	\$0.00	\$0.00	\$27,504.64	\$217,531.23
Pinal	\$47,175.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47,175.68
Santa Cruz	\$4,048.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,048.40
Yavapai	\$42,936.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$42,936.00
Yuma	\$29,086.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$29,086.00
<b>State Total</b>	<b>\$1,103,760.89</b>	<b>\$16,451.84</b>	<b>\$ 0.00</b>	<b>\$3,008.16</b>	<b>\$ 0.00</b>	<b>\$35,072.91</b>	<b>\$1,158,293.80</b>

In FY2013, indigent defense agencies received no Fill the Gap program revenues (Table 80).

**Table 80. Indigent Defense State Fill the Gap Balance Detail  
FY2013**

	<b>Beginning Balance</b>	<b>Fund Fine Revenue</b>	<b>Interest Earned</b>	<b>Fund Expenditures</b>	<b>Ending Balance</b>
Apache County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cochise County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Coconino County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gila County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Graham County Superior Court	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Greenlee County Superior Court	\$9,515.11	\$0.00	\$4.57	(\$7,050.00)	\$2,469.68
La Paz County Public Defender	\$2,083.92	\$0.00	\$7.91	\$0.00	\$2,091.83
Maricopa County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mohave County Public Defender	\$10,659.00	\$0.00	\$34.72	(\$6,100.78)	\$4,592.94
Navajo County Public Defender	\$488.58	\$0.00	\$0.00	\$0.00	\$488.58
Pima County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pinal County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Santa Cruz County Superior Court	\$6,408.00	\$0.00	\$73.00	\$0.00	\$6,481.00
Yavapai County Public Defender <sup>a</sup>	\$257,636.53	\$0.00	\$ -	(\$19,924.94)	\$237,711.59
Yuma County Public Defender	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Indigent Defense Total</b>	<b>\$286,791.14</b>	<b>\$0.00</b>	<b>\$120.20</b>	<b>\$33,075.72</b>	<b>\$253,835.62</b>

<sup>a</sup> The Yavapai County Public Defender was unable to report ACJC-specific State Fill the Gap Funds. Reported totals include additional funding sources, and the agency was unable to report the total amount of interest earned, if any. The ending balance is absent the total of \$79,962.66 in allocations from other Fill the Gap fund sources.

State Fill the Gap fund expenditures for FY2013 are provided by county attorney (Table 79).

**Table 81. State Aid to Indigent Defense Fill the Gap Expenditures by County  
FY2013**

	<b>Salary/Fringe/Overtime</b>	<b>Equipment Purchases</b>	<b>Contractual Services</b>	<b>Case Management Software</b>	<b>Travel</b>	<b>Other (Operating/Supplies)</b>	<b>Total Expended</b>
Apache	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Cochise	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Coconino	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gila	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Graham	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Greenlee	\$0.00	\$0.00	\$7,050.00	\$0.00	\$0.00	\$0.00	\$7,050.00
La Paz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Maricopa	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mohave	\$0.00	\$2,766.21	\$1,104.46	\$0.00	\$241.40	\$1,988.71	\$6,100.78
Navajo	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pima	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pinal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Santa Cruz	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yavapai <sup>a</sup>	\$19,924.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,924.94
Yuma	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>State Total</b>	<b>\$19,924.94</b>	<b>\$2,766.21</b>	<b>\$8,154.46</b>	<b>\$ 0.00</b>	<b>\$ 241.40</b>	<b>\$1,988.71</b>	<b>\$33,075.72</b>

<sup>a</sup> The Yavapai County Public Defender reported expenditure totals that may have included funding sources outside of ACJC State Fill the Gap funds.

## **APPENDIX B: Summary of the Use of Fill the Gap Funds in FY2013**

### Staff Salary and Contractual Services

- Attorney positions that reduce other attorney caseloads and improve case processing
- Support staff positions that assist attorneys in tracking, organizing, and prosecuting felony cases
- Attorney and support positions at expedited disposition courts that helped reduce the felony caseloads at other county courts
- Agency investigator positions
- Overtime hours worked by staff
- Contract with local attorneys who provided indigent defense services.

### Equipment, Software, Supplies and Other Operating Expenses

- A laptop computer, printers, monitors, a scanner, a headset for interview playback, and a label printer that improved case processing and office functions
- Office supplies including file folders, paper, portable containers, compact discs, and other supplies
- Office software used to improve daily functions (i.e., Microsoft Enterprise, Adobe, etc.)
- Telephone expenditures
- One office desk.

### Case Management Systems

- Upgrade, maintenance, licensing, and/or support of case management software
- Hardware and software purchases toward the case management program.

### Training and Travel Expenses

- Attorney mileage and vehicle costs
- Expenses incurred for interviews of attorney candidates
- Airline fare for attendance of an expert in a homicide case.

### Other Expenditures

- Leasing computers and printers with the Arizona Supreme Court to access minute entries and court records
- Legal books for case law research
- Dues for the attorney bar
- Transcription software and support
- Notary bond insurance
- Rent and utilities for an off-site investigator.

## **APPENDIX C: Reported Events Positively and Negatively Affecting Case Processing**

### Positive Events

- Specialty courts (i.e. early resolution courts, regional court centers, etc.) that expedite the court process for qualifying offenses.
- Decreases in criminal case filings have benefited case processing.
- Paralegal and support staff (full and part-time) assigned to assist attorneys throughout the case process by preparing depositions, hearings, trials, and other case processing functions.
- The quality of staff has affected case processing in a positive manner.
- Continued Fill the Gap funding for staff positions help to improve functions at the agencies.
- Ongoing meetings with early disposition court participating agencies to discuss ways to make the specialty court more efficient.
- One court reported efforts at reducing the number of continuances and the moving of trial dates.
- Ongoing meetings among indigent defense, prosecution, and the court for priority assignment to cases and additional case processing discussions.
- A special case list for older cases requiring additional attention. Prosecution, the court, and defense attorneys focused their attention on these cases.
- Digital submission of police reports to the county attorney.
- The adjudication of a significant number of cases over one year old.
- One county has begun a Grand Jury process replacing preliminary hearings, and the process is contributing to increased case flow by way of reducing continuances.
- Discussion among members of the Criminal Justice Coordinating Council and the Felony Task Force in one county identifies efficiencies and highlights case processing efforts.
- One county has established public defender, legal defender and legal advocate divisions to appropriately allocate cases in an effort to avoid the need of contract attorneys.
- One county noted a decrease in homicides reported in 2012.
- Courts in one county reduced the number of hearings requiring the presence of the assigned prosecutor.
- The vertical prosecution structure at one county attorney resulted in stronger communication with law enforcement, witnesses and victims. Improved relationships strengthened the cases, and prosecutors were able to dispose of cases more efficiently through plea agreements.
- The county attorney and defense agencies in one county are participating in a program focused on alternatives to prison for drug offenders. The program reportedly lowers sentence costs and improves case processing.

### Negative Events

- Cuts in Fill the Gap and/or local funds for county attorneys and indigent defense.
- One defense agency lacked the necessary Fill the Gap funds to supplement costs for computers, case management system maintenance, and other equipment, and these costs must now be covered by county general funds previously used for other needs.
- Another defense agency cancelled its Westlaw attorney research account in order to hire contract private investigators for agency cases.

Negative Events (Continued)

- Increases in felony cases filed and/or caseloads for the attorneys, support staff, and the courts.
- Agencies with staff vacancies often due to reduced budget resources and/or high attorney and support staff turnover.
- Loss of experienced attorneys and support staff members made it difficult to continue with daily functions and some vacant positions were difficult to replace with qualified candidates.
- One county reported the restructuring of the public defense offices and the addition of the Indigent Defense Services agency, which led to the slowing of case processing during the transition. On top of this, a new Superior Court Judge was appointed, resulting in further changes.
- An indigent defense agency noted that a newly appointed County Attorney and turnover in prosecutors led to delays in cases so the new staff could get up to speed.
- Excessive delays and continuances that slow the adjudication process throughout the justice system (including arraignment and at hearings).
- Continuances were granted for defense to work on plea agreements, continue investigations, and to carry out interviews.
- One county attorney was dealing with a superior court with only two divisions, making it difficult to schedule trial dates efficiently for cases not resulting in plea agreements.
- Case management systems do not always account for stoppages in the time calculations of cases. One attorney agency reported conflicts with the case calculations provided by the court.
- Several court decisions, such as *Apprendi vs. New Jersey*, *Ring vs. Arizona*, and *Blakely vs. Washington*, along with Arizona's Rule 15, played a role in longer case processing times.
- One indigent defense agency had to reduce the number of contract attorneys available to process cases.
- Prosecuting attorneys' plea agreements that are not drafted in time for the hearings.
- Lack of funding available to address needs involving case management systems and security, and investigative software.
- Transport orders and holds from jails and prisons in other jurisdictions slow down case processing.
- Justice courts that are delayed 30 to 90 days from the complaint to the arraignment date, and the courts are failing to provide attorneys with arraignment data in a timely fashion creating conflicts for tracking case processing.
- Difficulties resulting from the court's management of division calendars and the lack of coordination among the divisions and newly appointed judges.
- One indigent defense agency cited the county's lack of consideration toward alternative treatments for defendants (i.e. home treatment and halfway houses) as having an effect on case processing levels.
- Conflict checks, case management statistics, and overflow statistics that impacted case processing.
- Limited jurisdiction courts that are processing less complex cases, thus leaving a higher percentage of complex cases up to the county agencies. This extended the length of time spent per case by attorneys and the judges.
- Increasing numbers of complex/serious felony cases.

Negative Events (Continued)

- One county reported high crime rates and an increasing law enforcement presence leading to large case loads.
- One county attorney prioritizes the prosecution of violent offenders and seeks maximum sentencing, which can be time-intensive.
- New charges added to a case that is close to resolution resulting in delays in case processing.
- Glitches and shortcomings that exist with case management systems leading to problems with providing complete and accurate case processing data.
- An increase in violent cases, specifically homicides, that greatly affect workloads.
- A high percentage of drug cases that required large amounts of time for processing.
- Recent court decisions that underscore the need for the recording of plea bargains rejected in expedited cases. Attorneys must now attend to the documentation of these cases.
- One defense agency commented on the delayed plea process when a defendant has prior convictions, extensive evidence must be processed, lab reports are not timely, or delays in discovery often leads to continuances.
- Logistical issues when the courts moved to a new physical location.
- One defense agency went through structural changes in FY2013.
- A defense agency worked with stakeholders to maintain 24/7 access at the new court for onsite employees, providing offices and space at the new location for employees, incorporating workrooms for attorney training, and improve efficiencies for in-custody interviews, discoveries and plea agreements.
- Cases with large amounts of restitution or numerous victims often require more time to compile information and interview victims.
- An insufficient number of attorneys increased the reliance on contracted private attorneys.
- Insufficient office space and storage for increased staff positions added in the current fiscal year.
- One county attorney's office is having complications with adapting to the changing criminal justice needs associated with a growing urban population.
- One county attorney had to hold certain cases for charging and plea offers while changes in administration took place.
- One indigent defense agency identified a number of defendants with numerous pending charges and/or multiple cases where it has been time-consuming to bring all charges and cases to one superior court division.
- One county reported delays in Rule 11 and Rule 26.5 evaluations due to limited providers available within the county.
- Prosecution and defense attorneys are no longer requested to meet at the courts to discuss which cases will be going to trial. All parties are now being contacted individually by phone, requiring additional time of the court staff.
- One public defender cited negative results due to plea policies, court sentencing practices, disclosure issues, and the early disposition court.

## **APPENDIX D: Arizona Revised Statutes Authorizing Fill the Gap Funding**

### **11-539. State aid to county attorneys fund**

- A. The state aid to county attorneys fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases.
- B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate fund monies to each county pursuant to section 41-2409, subsection A.
- C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases by county attorneys.
- D. Monies in the state aid to county attorneys fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.
- E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

### **11-588. State aid to indigent defense fund**

- A. The state aid to indigent defense fund is established consisting of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.
- B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate monies in the fund to each county pursuant to section 41-2409, subsection C.
- C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by counties for the processing of criminal cases by the county public defender, legal defender and contract indigent defense counsel in each county.
- D. Monies in the state aid to indigent defense fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.
- E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

**12-102.02. State aid to the courts fund**

A. The state aid to the courts fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the superior court, including the clerk of the superior court, and justice courts for the processing of criminal cases.

B. The supreme court shall administer the fund. The supreme court shall allocate monies in the fund to the superior court, including the clerk of the court, and the justice courts in each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

C. The presiding judge of the superior court in each county, in coordination with the chairman of the county board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace of the county shall submit a plan to the supreme court that details how the funds allocated to the county pursuant to this section will be used and how the plan will assist the county in improving criminal case processing. The presiding judge of the superior court, the chairman of the board of supervisors or the chairman's designee, the clerk of the superior court, the presiding justice of the peace and an elected justice of the peace shall sign the plan and shall indicate their endorsement of the plan as submitted or shall outline their disagreement with any provisions of the plan. The supreme court may approve the plan or require changes to the plan in order to achieve the goal of improved criminal case processing.

D. By January 8, 2001 and every year thereafter by January 8, the supreme court shall report to the governor, the legislature, the joint legislative budget committee, each county board of supervisors and the Arizona criminal justice commission on the expenditure of the fund monies for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing. This information may be combined into one report with the information required pursuant to section 12-102.01, subsection D.

E. All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

F. Monies in the state aid to the courts fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general

fund monies appropriated to the fund may be spent without further legislative appropriation.

G. On notice from the supreme court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

**12-116.01. Surcharges; fund deposits**

A. In addition to any penalty provided by law, a surcharge shall be levied in an amount of forty-seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

B. In addition to any penalty provided by law, a surcharge shall be levied in an amount of seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

C. In addition to any penalty provided by law, a surcharge shall be levied through December 31, 2011 in an amount of seven per cent, and beginning January 1, 2012 in an amount of six per cent, on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

D. If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the surcharge prescribed in this section for forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the surcharge pursuant to subsection H of this section. If bail, bond or deposit is returned, the surcharge made pursuant to this article shall also be returned.

E. After addition of the surcharge, the courts may round the total amount due to the nearest one-quarter dollar.

F. The judge may waive all or part of the civil penalty, fine, forfeiture and surcharge, except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge may waive only all or part of the surcharges prescribed by subsections A, B and C of this section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty, fine, forfeiture and surcharge is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

G. The surcharge imposed by this section shall be applied to the base fine, civil penalty or forfeiture and not to any other surcharge imposed.

H. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the surcharges collected pursuant to subsections A, B, C and D of this section and a remittance report of the fines, civil penalties, assessments and surcharges collected pursuant to subsections A, B, C and D of this section to the county treasurer, except that municipal courts shall transmit the surcharges and the remittance report of the fines, civil penalties, assessments and surcharges to the city treasurer.

I. The appropriate authorities specified in subsection H of this section shall transmit the forty-seven per cent surcharge prescribed in subsection A of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the criminal justice enhancement fund established by section 41-2401.

J. The appropriate authorities specified in subsection H of this section shall transmit the seven per cent surcharge prescribed in subsection B of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for allocation pursuant to section 41-2421, subsection J.

K. The appropriate authorities specified in subsection H of this section shall transmit the surcharge prescribed in subsection C of this section and the remittance report as required in subsection H of this section to the state treasurer on or before the fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419.

L. Partial payments of the amount due shall be transmitted as prescribed in subsections H, I, J and K of this section and shall be divided according to the proportion that the civil penalty, fine, bail or bond and the surcharge represent of the total amount due.

#### **41-2409. State aid; administration**

A. The Arizona criminal justice commission shall administer the state aid to county attorneys fund established by section 11-539. By September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

B. The board of supervisors in each county shall separately account for the monies transmitted pursuant to subsection A of this section and may expend these monies only for the purposes specified in section 11-539. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-539.

C. The Arizona criminal justice commission shall administer the state aid to indigent defense fund established by section 11-588. By September 1 of each fiscal year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

D. The board of supervisors shall separately account for the monies transmitted pursuant to subsection C of this section and may expend these monies only for the purposes specified in section 11-588. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-588.

E. By January 8, 2001 and by January 8 each year thereafter, the commission shall report to each county board of supervisors, the governor, the legislature, the joint legislative budget committee, the chief justice of the supreme court and the attorney general on the expenditure of the monies in the state aid to county attorneys fund and the state aid to indigent defense fund for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing.

**41-2421. Enhanced collections; allocation of monies; criminal justice entities**

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures, shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A, or for child support, restitution or exonerated bonds.

B. The monies deposited pursuant to subsection A of this section shall be allocated according to the following formula:

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.
2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.
3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.49 per cent to the department of law for the processing of criminal cases.

C. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the superior court, including the clerk of the

court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be transmitted to the county treasurer for allocation pursuant to subsections E, F, G and H of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection A or for child support, restitution or exonerated bonds.

D. The supreme court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C of this section.

E. The county treasurer shall allocate the monies deposited pursuant to subsection C of this section according to the following formula:

1. 21.61 per cent for the purposes specified in section 11-539.
2. 20.53 per cent for the purposes specified in section 11-588.
3. 57.37 per cent to the local courts assistance fund established by section 12-102.03.
4. 0.49 per cent to the state treasurer for transmittal to the department of law for the processing of criminal cases.

F. The board of supervisors in each county shall separately account for all monies received pursuant to subsections C and E of this section and expenditures of these monies may be made only after the requirements of subsections G and H of this section have been met.

G. By December 1 of each year each county board of supervisors shall certify if the total revenues received by the justice courts and the superior court, including the clerk of the superior court, exceed the amount received in fiscal year 1997-1998. If the board so certifies, then the board shall distribute the lesser of either:

1. The total amount deposited pursuant to subsection C of this section.
2. The amount collected and deposited pursuant to subsection C of this section that exceeds the base year collections of fiscal year 1997-1998. These monies shall be distributed according to the formula specified in subsection E of this section. Any monies remaining after this allocation shall be transmitted as otherwise provided by law.

H. If a county board of supervisors determines that the total revenues transmitted by the superior court, including the clerk of the superior court and the justice courts in the county, do not equal the base year collections transmitted in fiscal year 1997-1998 the monies specified in subsection C of this section shall be transmitted by the county treasurer as otherwise provided by law.

I. For the purposes of this section, base year collections shall be those collections specified in subsection C of this section.

J. Monies collected pursuant to section 12-116.01, subsection B shall be allocated as follows:

1. 15.44 per cent to the state aid to county attorneys fund established by section 11-539.
2. 14.66 per cent to the state aid to indigent defense fund established by section 11-588.

3. 40.97 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.35 per cent to the department of law for the processing of criminal cases.
5. 14.29 per cent to the Arizona criminal justice commission for distribution to state, county and municipal law enforcement full service forensic crime laboratories pursuant to rules adopted by the Arizona criminal justice commission.
6. 14.29 per cent to the supreme court for allocation to the municipal courts pursuant to subsection K of this section.

K. The supreme court shall administer and allocate the monies received pursuant to subsection J, paragraph 6 of this section to the municipal courts based on the total amount of surcharges transmitted pursuant to section 12-116.01 by that jurisdiction's city treasurer to the state treasurer for the prior fiscal year divided by the total amount of surcharges transmitted to the state treasurer pursuant to section 12-116.01 by all city treasurers statewide for the prior fiscal year. The municipal court shall use the monies received to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. The municipal court shall submit a plan to the supreme court and the supreme court shall approve the plan before the municipal court begins to spend these allocated monies.

## **Arizona Supreme Court Rules Outlining Court Case Processing**

### **Rule 8.1. Priorities in scheduling criminal cases**

- a. Priority of Criminal Trials.** The trial of criminal cases shall have priority over the trial of civil cases. Any scheduling conflicts will be resolved in accordance with Rule 5(j), Uniform Rules of Practice.
- b. Preferences.** The trial of defendants in custody and defendants whose pretrial liberty may present unusual risks shall be given preference over other criminal cases.
- c. Duty of Prosecutor.** The prosecutor shall advise the court of facts relevant to determining the order of cases on the calendar.
- d. Duty of Defense Counsel.** The defendant's counsel shall advise the court of the impending expiration of time limits in the defendant's case. Failure to do so may result in sanctions and should be considered by the court in determining whether to dismiss an action with prejudice pursuant to Rule 8.6.
- e. Extraordinary Cases.** Within twenty-five days after the arraignment in Superior Court either party may apply in writing to the court for a hearing to establish extraordinary circumstances requiring the suspension of Rule 8 in a particular case. Within five days of the receipt of the application the court shall hold the hearing and make findings of fact. The findings shall be immediately transmitted to the Chief Justice who may approve or decline to approve them. Upon approval of the findings by the Chief Justice, they shall be returned to the trial court where upon motion of either party the trial court may suspend the provisions of Rule 8 and reset the trial date for a time certain.

**Rule 8.2. Time limits**

**a. General.** Subject to the provisions of Rule 8.4, every person against whom an indictment, information or complaint is filed shall be tried by the court having jurisdiction of the offense within the following time periods:

**(1) Defendants in Custody.** 150 days from arraignment if the person is held in custody, except as provided in subsection (a), paragraph (3) of this section.

**(2) Defendants Released From Custody.** 180 days from arraignment if the person is released under Rule 7, except as provided in subsection (a), paragraph (3) of this section.

**(3). Complex Cases.** One year from arraignment for cases in which the indictment, information or complaint is filed between December 1, 2002 and December 1, 2005, and for subsequent cases 270 days from arraignment if the person is charged with any of the following:

- (i) 1st Degree Murder, except as provided in paragraph (a)(4) of this rule,
- (ii) Offenses that will require the court to consider evidence obtained as the result of an order permitting the interception of wire, electronic or oral communication,
- (iii) Any complex cases as determined by a written factual finding by the court.

**(4). Capital Cases.** Twenty-four months from the date the state files a notice of intent to seek the death penalty pursuant to Rule 15.1(i).

**b. Waiver of Appearance at Arraignment.** If a person has waived an appearance at arraignment pursuant to Rule 14.2, the date of the arraignment held without the defendant's presence shall be considered the arraignment date for purposes of subsection (a), paragraphs (1), (2), (3), and (4) of this rule.

**c. New Trial.** A trial ordered after a mistrial or upon a motion for a new trial shall commence within 60 days of the entry of the order of the court. A trial ordered upon the reversal of a judgment by an appellate court shall commence within 90 days of the service of the mandate of the Appellate Court.

**d. Extension of Time Limits.** These time limits may be extended pursuant to Rule 8.5.

**e. Trial Dates.** In all superior court cases except those in which Rule 8 has been suspended pursuant to Rule 8.1(e), the court shall, either at the time of arraignment in superior court or at a pretrial conference, set a trial date for a time certain.

**Rule 8.4. Excluded periods**

The following periods shall be excluded from the computation of the time limits set forth in Rules 8.2 and 8.3:

**a.** Delays occasioned by or on behalf of the defendant, including, but not limited to, delays caused by an examination and hearing to determine competency or intellectual disability, the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona.

- b.** Delays resulting from a remand for new probable cause determination under Rules 5.5 or 12.9.
- c.** Delays resulting from extension of the time for disclosure under Rule 15.6.
- d.** Delays necessitated by congestion of the trial calendar, but only when the congestion is attributable to extraordinary circumstances, in which case the presiding judge shall promptly apply to the Chief Justice of the Arizona Supreme Court for suspension of any of the Rules of Criminal Procedure.
- e.** Delays resulting from continuances in accordance with Rule 8.5, but only for the time periods prescribed therein.
- f.** Delays resulting from joinder for trial with another defendant as to whom the time limits have not run when there is good cause for denying severance. In all other cases, severance should be granted to preserve the applicable time limits.
- g.** Delays resulting from the setting of a transfer hearing pursuant to Rule 40 of these rules.

**Rule 8.5. Continuances**

- a. Form of Motion.** A continuance of a trial may be granted on the motion of a party. Any motion must be in writing and state with specificity the reason(s) justifying the continuance.
- b. Grounds for Motion.** A continuance of any trial date shall be granted only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice. A continuance may be granted only for so long as is necessary to serve the interests of justice. In ruling on a motion for continuance, the court shall consider the rights of the defendant and any victim to a speedy disposition of the case. If a continuance is granted, the court shall state the specific reasons for the continuance on the record.
- c. Other Continuances.** No further continuances shall be granted except as provided in Rules 8.1(e), 8.2(e) and 8.4 (d).